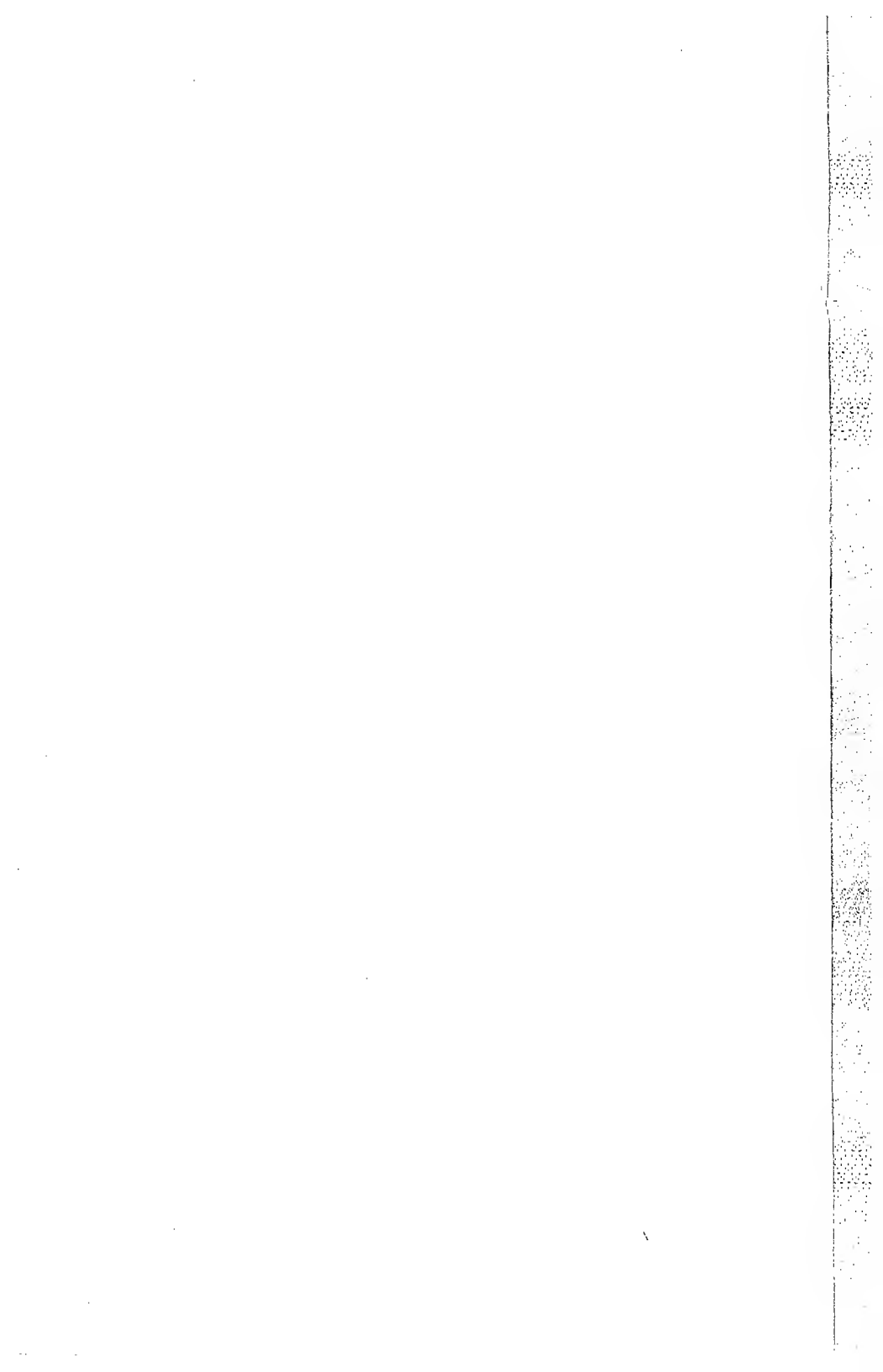


Sikh Code  
in  
Guru Granth Sahib  
(A Court Testimony)



# Sikh Code in Guru Granth Sahib (A Court Testimony)

Gurtej Singh

*National Professor of Sikhism*

*Edited by*

Dr. Anurupita Kaur



**SATVIC  
BOOKS**

SIKH CODE IN GURU GRANTH SAHIB  
(A COURT TESTIMONY)

by

GURTEJ SINGH

742, SECTOR 8, CHANDIGARH - 160 008

TELE : 0172-2780449

*Edited by :*

Dr. ANURUPITA KAUR

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DEDICATED

*To the memory of my mother*

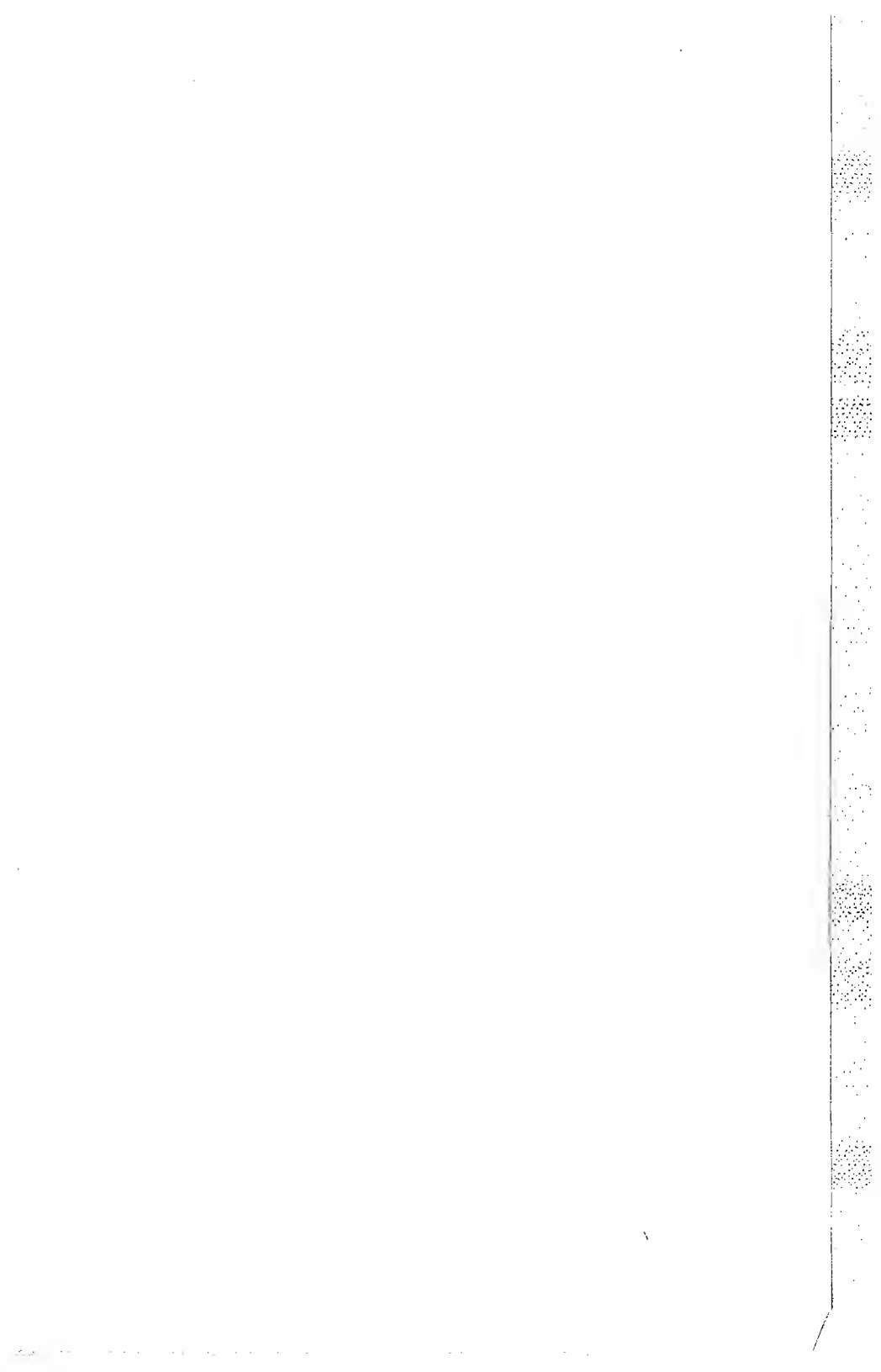
***Sardarni Bachint Kaur***

*(1915 – August 13, 2008)*

*who introduced me to the works of*

*Giani Kartar Singh Klaswalia*

*when I could barely recognize the  
thirty-five letters of the Gurmukhi alphabet.*



# Contents

<i>Editor's Note</i>	9
<i>Acknowledgements</i>	17
• Prologue	19
<b>PART ONE</b>	
• Of Prophetic Vision, Human Dignity and Uncut Hair	29
<b>PART TWO</b>	
• Additional Submissions to the High Court on <i>Sehajdhari</i> and <i>Patit</i> Issue	41
<b>PART THREE</b>	
• Explanatory Notes to the Footnotes Pertaining to the Original Submission	71
• The Epilogue	76
<i>Appendices</i>	
1. ਸਹਿਜ ਅਵਸਥਾ, ਸਹਿਜਧਾਰੀ ਪ੍ਰਣਾਲੀ ਅਤੇ ਸੰਪ੍ਰਦਾਇ	87
2. Resolution of SGPC on <i>Sehajdhari</i> and <i>Patit</i> Issue	92
3. Affidavit filed by SGPC in the High Court	95
4. Additional affidavit filed by SGPC in the High Court	98

5. Decision of the High Court on <i>Sehajdhari</i> and <i>Patit</i> Issue (Gurleen Kaur... vs State of Punjab)	101
6. Decision of the High Court on Review Petition filed by M.S. Rahi	240
7. Rigorism over Reality	247
8.1 Sikhism is about Spiritual Evolution	250
8.2 SGPC sticks to old definition of <i>Sehajdhari</i>	252
8.3 SGPC's definition of Sikhs irks expected quarters	254
8.4 A person trimming hair, beard can't claim to be <i>Sehajdhari</i>	255
8.5 Defining <i>Sehajdhari</i> ; Sikh bodies protest, SGPC defends affidavit	257
8.6 <i>Sehajdhari</i> Issue; SGPC to file fresh affidavit in court, Challenges HC locus standi in Sikh matters	259
8.7 <i>Sehajdhari</i> Issue; Sants withdraw ultimatum Sikh History Research Board director's resignation accepted	261
8.8 <i>Sehajdhari</i> : SGPC submits affidavit	263
9. ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਸਿੱਖ ਪੰਥ ਲਈ ਅਕਾਲ ਪੁਰਖ ਦਾ ਆਰਡੀਨੈਂਸ: ਗੁਰਤੇਜ ਸਿੰਘ	264
10.1 ਐਨਿਆਂ 'ਚੋਂ ਉੱਠੇ ਸੂਰਮਾ; ਸਿੱਖ ਪਰਿਭਾਸ਼ਾ ਸੰਬੰਧੀ ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਜੱਜ ਕੀਤੇ ਲਾਜਵਾਬ	268
10.2 'ਸਿੰਘਾ ਜਾਗ ਬਈ! ਹੁਣ ਜਾਗੋ ਆਈ ਐ' ਗੁਰਤੇਜ ਵਰਗੇ ਵਿਦਵਾਨ ਪੈਦਾ ਕਰਨ ਦੀ ਲੋੜ	271
10.3 ਹਾਈਕੋਰਟ ਦੇ ਜੱਜ ਸਿਰਫ਼ ਸਿੱਖ ਅਰਦਾਸ ਬਾਰੇ ਹੀ ਗਿਆਨ ਹਾਸਲ ਕਰ ਲੈਣ ਤਾਂ ਪਤਾ ਲੱਗ ਜਾਵੇ ਕਿ ਸਿੱਖ ਪਰਿਭਾਸ਼ਾ ਕੀ ਹੈ?	272



## Editor's Note

A situation had arisen, of all places, inside a courtroom that had the potential of agitating the minds of the Sikh people for a long time to come. It appeared that it could easily have been averted. Ostensibly it just required a knowledgeable person who would step forward to state the facts. The full bench of the Punjab and Haryana High Court wanted authentic evidence on the importance of unshorn hair for a believer in the Sikh faith (*Sikhi*). Ultimately this would boil down to adducing credible evidence that all the Gurus from Guru Nanak onwards had maintained full length hair. It further entailed going through the *Guru Granth* and discovering what it had to say on the importance of full length hair for the faith of a Sikh. Thirdly it was necessary to demonstrate how the verses gleaned from the *Guru Granth* were endowed with the degree of credibility sufficient for the court to consider them as irrefutable, legally sound evidence. Apart from it all the "historical, theological and philosophical perspective" had to be adduced as the court had specifically asked for it in its order dated 29-9-2008 asking the Shiromani Gurdwara Parbandhak Committee to file an affidavit to that effect.

A number of *hukamnāmās*, *rahitnāmās* and volumes of religious text had already been quoted to the Bench. The difficulty with this genre of literature was that it was difficult to authenticate it. The fake and the doubtful abounded. There is no dearth of *rahitnāmās* expressing contradictory views. Religious texts, having been written by individuals,

are at best, subjective and are at worst, misleading. The degree of objectivity required is not always forthcoming. The believer knows what to make of them, but the law, being an ass, does not know how they should be interpreted.

The difficulty with deducing matters from the *Guru Granth* was that no one had made a systematic study of the theme, although there were a few oft quoted verses in support of maintaining full length hair. At least one of the oft quoted few had no relevance to the subject. That all the Gurus supported the Khalsa appearance was taken to be a self-evident truth by the believer. The law needed to enquire into the basis of the belief to examine its universal validity. Such studies had not been made. Then there was another seemingly insurmountable hurdle. It is the infamous Gandhian injunction that upholds the non-availability of Khalsa *rahit* in the *Guru Granth*. It is a sinister dictum but it is the basis of the unwritten state policy. Its baneful shadow can be seen to fall on many decisions taken to the detriment of the Sikh people.

These were the difficulties that prevented the frank expression of opinion. This was so in spite of *Sikhi* being a well established faith with 'seminaries,' missionary colleges, and 'saints' dotting almost every ten square miles of the Punjab. Consequently, no one had anything to say on the proposition. The court had given an open invitation to everyone and even the language bar had been removed. The court had provided assistance for translation into English, the court's language. To not provide the required information was to admit that no evidence on the issue existed. The matter dragged on for months together yet no one was presented to assist the court. Some two dozen advocates, most of them resourceful Sikhs, could not find one person to do the job. The response of the Shiromani Gurdwara Parbandhak Committee was inadequate and its position was

deemed to be at least equivocal by most of the Sikhs who had read its affidavits with varied emphasis. Why this happened needs to be seriously pondered over!

A practising Sikh was expected both to know what to say and also to express himself without reservation, unmindful of the political repercussions. My brother Dr. Amit Singh and I urged our father who is a practising Sikh to state what he knew on the subject. Just about then he was approached by a few others and decided to accept the invitation to intervene. What he said gave some satisfaction to those of the faith and apparently satisfied the court although the court did not admit that in so many words, but it also went beyond. For one of its aspects is that it offers a cogent explanation for the creation of the Khalsa by the Guru. Similarly his exposition of the *sehaj* status, which is wholly spiritual, may be of interest to some. To clarify the matter in court he had to adopt a multi-disciplinary approach. He has succinctly put the result of his labour of love in just three A4 size sheets. That pithy statement was further explained cogently and concisely in simple language. Together with the evidence, his submission came to just about forty pages or so. We found that it contained information that would equally interest the legal person, the scholar, the lay person and would be useful to the young Sikhs who are generally starved of reading material even on such vital matters.

I am aware that the Guru's Word is so profound and that anyone venturing into its deep waters will discover many gems worth presenting to the people as valuable gifts. There is no doubt that much more will be forthcoming on the present subject in the coming months and years. It will be profitable for those attempting an elaborate thesis on the subject to treat this attempt as a working paper and to build upon it to their hearts' satisfaction. Maybe the evidence cited

before the court can also be used to substantially meet the argument of certain recent western scholars that the Sikh faith is a colonial construct and that there is no definition of a Sikh except the 'definition by legislation.' On close examination, the ghosts conjured up by them will appear to be mere scarecrows.

There is also another sound reason for which it is important to publish this short thesis. Religious pronouncements have to be constantly interpreted and kept as close to the original as possible. If that is not done, some very significant portions of them just drop off on the way. For religions, it is a long journey through the centuries. In the long run the process has a snowballing effect, resulting in major losses until substance is affected to the extent that ersatz replaces a religion. Mahatma Buddha would not understand what is being taught by many 'Buddhist sects.' Jesus Christ would certainly be bewildered to find out all that is served to the world as his preachings. Howsoever attractive fake jewellery may be, it has no intrinsic value and can afford no solace, can confer no grace. So also a religion denuded of essence, especially when it is more of a construct moulded from baser elements by smaller minds.

The offer of the Singh Brothers, Amritsar came in handy and I decided to give a publishable shape to the available papers. The result of this venture is before you.

The state of *Sehaj*, the word from which '*sehajdhārī*' is derived has been referred to in the original thesis of the expert witness. During the presentation, he was asked to give his opinion on the issue agitated by the *Sehajdhārī* Sikh Federation as its suit had been appended to Gurleen Kaur and Others. The Bench was apparently satisfied with the answer. The reply was based on the witness' article published in the *Punjabi Tribune* and the *Khalsa Khandedhār* in 2002. It is being reproduced for clarity on the issue. The

Sikh people were by and large satisfied with the presentation in court. Correspondents of several papers made an assessment of the evidence produced. Two such opinions, one from a paper in the Punjab and another from a paper printed in United Kingdom are being reproduced for the convenience of the reader.

A revision application was filed before the court by one of the advocates, Sardar M. S. Rahi, who had earlier appeared in the original proceedings. Nothing much came of it. It was particularly because the advocate himself could not fully appreciate the worth of the evidence presented to the court by Gurtej Singh. There is a speculation that, had he chiselled his revision petition with a little more sensitivity and had emphasised that all the required evidence was already before the court, the result could have been to his seeking. There unmistakably was enough to convince an independent person that *Guru Granth* is indeed the source of all the important injunctions constituting the *Khalsa rahit*. That this was the case and that the ignoring of hard evidence was rankling in the mind of the court, is borne out by the judgment. The court found it necessary to mention that "there may be some justification in the inferences drawn by Shri Gurtej Singh — from various verses of the *Guru Granth Sāhib*, yet it would not be incorrect to state, that the issue whether the Sikhs are ordained to maintain their bodily hair unshorn, has not been expressly dealt with in the *Guru Granth Sāhib*" (paragraph 127). The court further believed, in connection with the pleadings before it, that the views expressed "appear to us to be based on their personal beliefs, convictions and understanding of the Sikh religion." An expert witness is not put up to convey personal views. The court could not have been oblivious of the proposition.

Rahi's relief depended upon making the court realise that the views of Gurtej Singh were based on the *Guru*

*Granth* from beginning to end as the careful reader will see for himself. Rahi chose not to do this for reasons best known to him. The court put the single question to this effect to him 'repeatedly.' In reply, Rahi kept on pleading paragraphs 4 and 5 of his own petition. He neglected to quote the only evidence that the court was somewhat prepared to accept as relevant. The court had also held that it had no competence to pronounce whether the arguments presented truly reflected the contents of the *Guru Granth*. Rahi did not forcefully argue that the confessed incompetence of the court disqualified it from holding that the *Guru Granth* did not contain anything on the issue before it and that it was only a 'moral and spiritual guide.' Unfortunately, Sardar Rahi paid dearly for the negligence. The Delhi Gurdwara Management Committee on whose behalf the review application was filed, did not bother to exchange views with those who had appeared before the court earlier, nor did it pursue the matter in the Supreme Court, after Rahi's unfortunate demise. The Shiromani Gurdwara Parbandhak Committee, had pursued the matter half-heartedly from the beginning. It never looked back to see whether further action was required. That is how lightly we take our public issues.

For all the reasons discussed above, is necessary that the record of the proceedings be preserved as to be of some use in the future. The documents presented to the court are being reproduced from the original. "Of prophetic vision, human dignity and uncut hair" is the main treatise that was presented initially on February 12, 2009. The "Additional submissions presented to the Honourable Court on February 27, 2009 in continuation of CM No. 2940/2009 in CWP No. 13282 of 2004 titled Gurleen Kaur and Others versus State of Punjab" were prepared according to the requirement of the court and were actually read out there. These are being reproduced as they were read out. Elaboration of certain

footnotes relevant to the paper submitted on February 12, are being given separately. Photocopies of title pages of books quoted and of pages quoted are being left out as the reader can easily refer to the published works. That is also the standard practice. Photocopies of the title covers *et cetera* of published works were required by the court as it was more convenient to refer to them than to the original work itself.

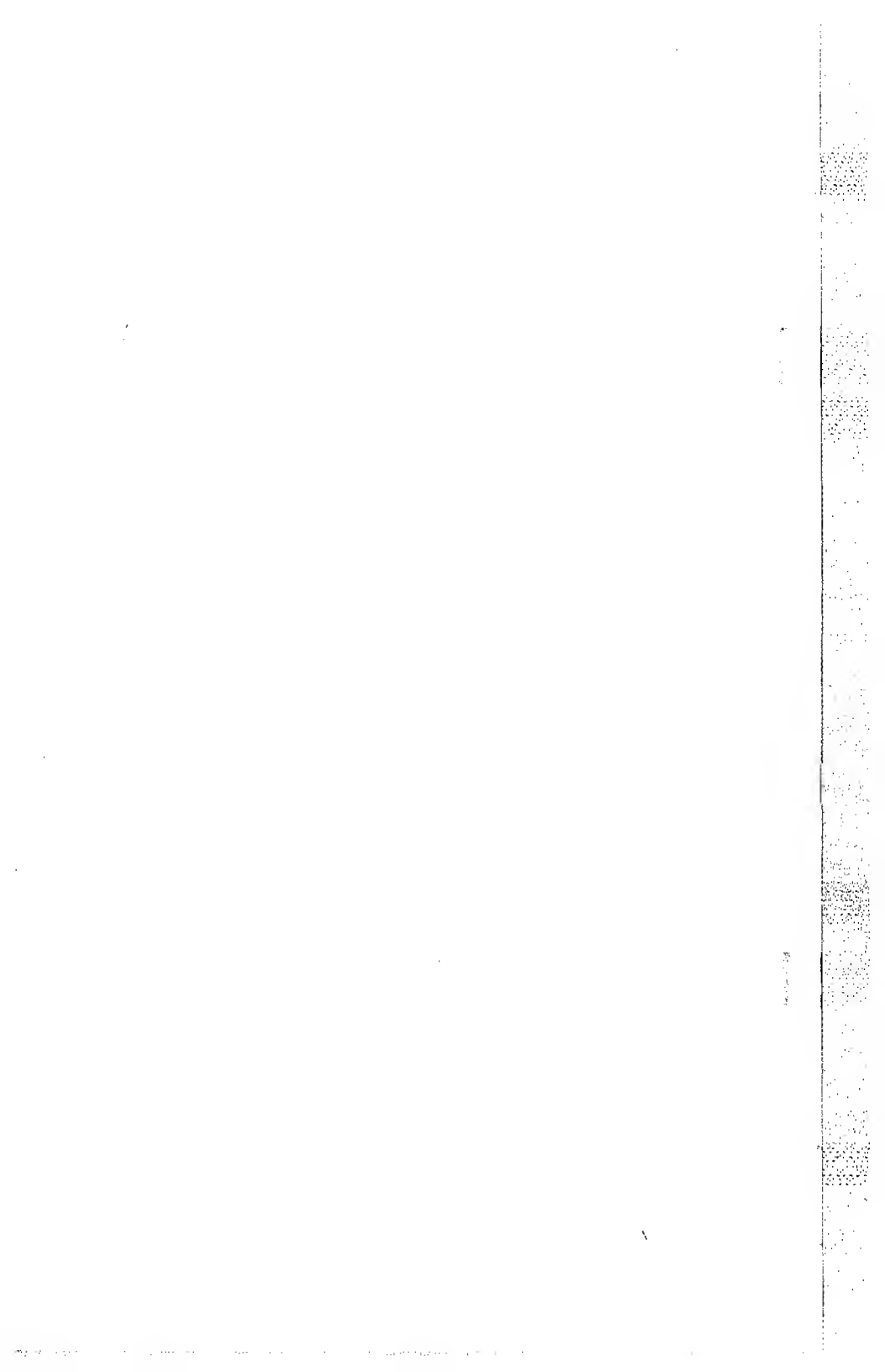
A shortened biography had been appended to the basic paper presented to the court. That was just to establish the 'expert' character of the present witness. It is being left out of this monograph as it has served its purpose and may be of no further interest to the reader.

Since then judgement in the suit has been pronounced. It is being appended in full so that a future scholar wishing to understand what had transpired may not need to look elsewhere.

Judgement in the revision application filed by M. S. Rahi is being appended. The reader must have an idea of how summarily the application was rejected and how tersely the rejection is worded. It is understandable that the court did not intend it to have a devastating effect on Rahi, but it is obvious that no good could have come out of the manner in which a very respectable person was treated. The unwritten Gandhian injunction was not noticed in the petition and was consequently not mentioned in the judgement. All the same, everything went in accordance with its intent. This is the beauty of the Gandhi's non-violence. It leaves no incriminating blood trail but murders the soul of every inconvenient truth.

May 31, 2010

Anurupita Kaur





## Acknowledgements

This short paper would never have seen the light of day, had not Sardar Harpal Singh Cheema (Member Presidium) asked me to appear on behalf of the Shiromani Akali Dal (*Pañchpradhānī*) as an expert witness. Later Sardar Paramjit Singh Sarna, President of the Delhi Sikh Gurdwara Management Committee also asked me to appear on behalf of his organisation. The relevant letter issued by this organisation has been made a part of this book. No action was, however taken by the Committee to approach the court for impleading me as witness for the Delhi Sikh Gurdwara Management Committee. In some of our organisations the left hand does not know what the right is doing.

I am grateful to my colleague Sardar Harshinder Singh Advocate who, working on fragments preserved in my memory, was able to dig out the original *sabads* from the scripture. He also suggested three quotations that were apt and were used. This saved me hours of labour, allowing me to concentrate on the development of the theme in the short time available. In the High Court, he helped me in citing them. Without his help, my efforts would have been crippled. He could also find time to go through the entire matter before it went to the Press. He also downloaded the two judgements from the site of the High Court.

I am grateful to Dr. Anurupita Kaur for taking the trouble of editing this monograph and for preparing a copy for the press. She has also contributed a learned note that helps in further clarifying the issues involved.

I thank Dr. J. S. Grewal for allowing me to use the contemporary watercolour portrait of Guru Tegh Bahadur from his collection. It has further enhanced the value of this short treatise.

I thank Sardar Gursagar Singh of Singh Brothers who offered to publish this small treatise. Not many in his place could have seen the need to do so.

742 Sector 8,  
Chandigarh.

**Gurtej Singh**

May 31, 2010.

## Prologue

Civil Writ Petition number 13282 of 2004 titled Gurleen Kaur and Others versus the State of Punjab and Others was instituted by a student who was denied admission to the MBBS course in the Guru Ram Das Institute of Medical Sciences and Research, Amritsar, run by the Shiromani Gurdwara Parbandhak Committee at Amritsar, on the ground that since the student trimmed her hair and plucked her eyebrows, she was not entitled to a seat reserved for a Sikh. Gurleen Kaur contended that she was a *Sehajdhārī* Sikh and was not required to maintain the hair uncut but nonetheless she was a Sikh and was entitled to admission. This suit was initially heard by the Double Bench of the High Court. Bearing in mind the importance of the suit, the Double Bench recommended constitution of a Full Bench to hear it. The full bench consisting of Justice J. S. Khehar, Justice Jasbir Singh and Justice A. K. Mittal was constituted for finally deciding the suit. The most important issue before the full bench was the importance and status of uncut hair for a practising Sikh. Since in another pending suit the Sehajdhari Sikh Federation had substantially raised similar issues, that suit was also tagged on to that of Gurleen Kaur and was slated to be decided simultaneously.

The most important question before the high court was 'how essential it was for a Sikh to maintain long hair?' Keeping in view the contention of the petitioner and the suit filed by the Sehajdhari Sikh Federation, several other questions also cropped up. It now became necessary to

answer whether keeping the hair unshorn was prescribed by the Tenth Guru alone and whether a person claiming to be a follower of the earlier nine Gurus could claim that s/he was exempt from maintaining long hair? And also, howsoever blasphemous a notion to the contrary it may seem, it became necessary to show that all the earlier Gurus had also maintained the *keshādhārī* form. It was essential to elaborate the theological aspect of the matter and the Guru's command had to be interpreted philosophically for its impact and its significance for the world at large. Some of these questions were obviously irreverent and may be a bit more than that but the law required that they be rationally addressed.

In a way it was a tall order because for those born to the faith, for those who had fallen in love with the incomparable Gurus and those admiring the wonderful Akalpurakh they worshipped, no reason was required for maintaining the *keshas* intact. For them the command of the Guru was the most powerful reason. Most of them had never given a thought to the rationale that formed the basis of the command. That it was the command that was very rightly all that mattered.

On September 29, 2008, the court asked the Shiromani Gurdwara Parbandhak Committee (SGPC), wrongly assuming it to be a religious authority, to file an affidavit on the issue. The SGPC is a body constituted merely to administer the Gurdwaras. The court precisely specified that it wanted information based upon the "historical, theological and philosophical" perspective. A general house meeting of the SGPC was convened on November 22, 2008, to consider the proposition and it resolved to "constitute a committee of scholars, legal experts and representatives of the SGPC to give an opinion." The committee deliberated the matter and gave a report to the Executive Committee of the SGPC. The

Executive Committee considered the report in its meeting held on December 3, 2008 and filed its affidavit based on the report of the committee. Its opinion was placed before the court on December 5, 2008, by the Secretary, Harbeant Singh of the SGPC. It is indicated in paragraph five of the affidavit that is reproduced here.

Mr. M. S. Rahi later wrote a revealing booklet entitled, *A Case for Review*. It was published by the Delhi Sikh Gurdwara Management Committee, New Delhi. His views are relevant: "The interest of the Sikhs was aroused when the SGPC filed a very curious affidavit on 5-12-2008. Defining the *Sehajdhārī*, the SGPC said in the affidavit, 'the word *Sehajdhārī* consists of two words *Sehaj*-slowly; *dhārī*-to adopt. Hence *Sehajdhārī* Sikhs are those novices who were born in non-Sikh families, and expressed their desire to adopt Sikhism slowly and gradually, adopt its doctrines, ethics and tenets with belief in *Srī Guru Granth Sāhib* and the Ten Gurus. A *Sehajdhārī*, therefore, is a novice who has entered the path of Sikhism and he will continue to be so till he fully accepts the moral and spiritual vows of Sikhism, to be called a practising Sikh professing Sikhism. -"This affidavit of the SGPC was criticised by the Sikhs all over the world and finding itself in a very tight corner and to escape the serious consequences, dismissed the services of Harbeant Singh, Secretary of the SGPC and one Anurag Singh, newly appointed Director of Sikh Itihas Board. The SGPC was further compelled to withdraw the affidavit. (pages 2, 3).

This caused an immediate uproar, more outside than inside the court. Sikhs all over the world were agitated. Motives were attributed to some functionaries of the SGPC, and the President of the organisation who was travelling abroad was contacted by the Sikh people there. Judge Mewa Singh established contact with the President of the Akali Dal who was also the Chief Minister of the Punjab. The baneful

influence of the Bhartiya Janata Party (BJP), a political ally of the Akali Dal in the Punjab was detected by many. *Link* and some daily papers published reactions of the people to the stand taken by the SGPC. It was believed that the BJP, an ultra Hindu political party, was unduly interfering in the Sikh affairs. It was deliberately doing so to the detriment of the Sikh faith. Even the expert committee that had given the opinion was unnerved. It denied that it had actually given the opinion that was relayed to the court. A head or two also rolled.

One outfall of the exercise was that the Delhi Sikh Gurdwara Management Committee (DSGMC) which was deeply concerned also became legitimately alarmed. Its President Sardar Paramjit Singh Sarna fielded lawyers and came down to Chandigarh to attend the court proceedings for the purpose of being able to intervene effectively. The first lawyer it fielded on January 16, 2009, was Sardar H. S. Phoolka who is a very competent lawyer and is much respected for contesting cases of Sikh interest in the various courts at Delhi. He is deeply concerned about the future of the Sikhs in India. He however was not informed of the requirement of the court. Since it had not been precisely formulated, neither was he properly briefed about the view of the DSGMC that he was to articulate. His assistance was not of much use to the court. He appears to have understood that he was called upon to agitate the legal aspect of the matter. That task he performed very well.

The court was not satisfied with the affidavit filed by the SGPC. And rightly so, because it had not touched upon the most important questions to which answers were required. The SGPC mustered a revised opinion on January 16, 2009, without formally withdrawing the earlier one, but that too was obviously not as profound as the people would have liked it to be. It, like the one submitted earlier, mostly

reiterated the legal position. The court was already well and competently advised on that aspect. Since the information asked for was necessary for the court to decide the suit, it asked the lawyers representing parties in this suit to produce expert witnesses. It also appointed a lawyer Mr. M. S. Rahi, also considered a Sikh scholar, to enlighten it on the issue. One of the lawyers half-heartedly presented an expert who was a retired Professor of History from a university. He gave an opinion on the "distinctiveness of the 'third path' which was all very well but was not what the court sought. It again left much unsaid. The lawyers, including Mr. K. T. S. Tulsi who appeared for two hearings for the Delhi Sikh Gurdwara Management Committee on February 20, and March 6, were not of much help although they obviously were all very competent people. The issue on which the opinion was required was more cultural, historical, theological and philosophical in nature than legal. When the court saw that the other lawyers could not or would not present expert opinion, it simultaneously took the unusual step of offering to record the testimony of any learned visitor present in the court if that person considered, s/he could assist the court. Concerned journalists like Mr. Kanwar Sandhu, presented their views through the Press (see Appendix 7 "Rigorism over Reality," *Hindustan Times*, Chandigarh, January 17, 2009, p. 9). There was also a spate of articles on the subject particularly in the Punjabi Press and on the internet. The entire Sikh world had been stirred out of complacency, for a while.

One Lal Singh who retired as a teacher of history from a college, volunteered to file his version in response to the court's invitation. He is known to hold opinions that digress somewhat unreasonably from the generally supported thesis and had provoked adverse comments in certain Punjabi magazines dedicated to Sikh culture. In the court, he

expressed himself with vengeance and enthusiasm. He invented twenty-five more 'gurus' for the Sikhs taking the total number to thirty-five. When it was seen that his views also included a scathing condemnation of the SGPC, the court found that he was overstepping the requirement. But it was somewhat moved by a portion of his argument that maintaining the hair unshorn was theologically not a quintessential condition of profession of the Sikh faith. Lal Singh's position was as dangerous as it was inaccurate. But it had a kind of plausibility since he was ostensibly quoting *Guru Granth* in his support.

His views were based on a flawed appreciation of the status of Bhagat Bani in the *Guru Granth* and on the faulty interpretation of a scriptural pronouncement. There was need to bring this to the notice of the court. The various levels at which the scripture is to be understood were not appreciated and neither was that important aspect adequately expressed by Lal Singh. What forms and what does not form an injunction was not understood and no heed was paid to the harmonious interpretation of the *Guru Granth*. The simple act of quoting from the *Guru Granth*, without adequate appreciation, rendered the testimony of Lal Singh on the point quite formidable, particularly in the absence of the properly articulated rationale to challenge the presentation effectively. Lal Singh had been fielded by the Sehajdhari Sikh Federation.

Though a meeting between scholars and lawyers had been arranged on September 20, 2008, by the Shiromani Akali Dal (*Pañchpradhānī*), it was confined to asking for suggestions and an announcement by Mr. Navkiran Singh advocate that he would be fielding Professor Gurdarshan Singh as an expert witness. The impression given was that nothing more would be required. Purely as a "precautionary measure" and as an afterthought, Gurtej Singh was told that



he would be providing the philosophical perspective and that he would be informed at least a month in advance. Since there was no further message from the lawyers everyone thought that the matters were proceeding well.

The first rude shock was the affidavit of the Shiromani Gurdwara Parbandhak Committee and the second one came when the court invited all and sundry to assist it and at random permitted Lal Singh to do so. Sardar Gurbachan Singh Bachan who had earlier functioned as Secretary to the SGPC, rang up several people. He also requested Gurtej Singh to represent. Since no one wanted to present Gurtej Singh as an expert witness, a procedure was worked out. Sardar Rahi asked him to write an article on the required aspects of the suit. He offered to use his influence to have it published in the *Hindustan Times* and thereafter to attach the published version to his pleadings. The long and short of it is that the publication could not be arranged although an effort was also made with president of the DSGMC and Sardar Harcharan Singh who wielded immense authority with one of the leading newspapers of Delhi. There the matters rested. Until, that is, the Lal Singh episode happened.

On January 16, 2008, many officials representing premier Panthic organisations were present in the court. Amongst them was Sardar Harpal Singh Cheema of the Shiromani Akali Dal (*Pañchpardhānī*) and his colleague. They perceived that the suit was being lost for want of production of an expert witness. They drove down straight from the court to Gurtej Singh's office and asked him to be their expert witness. Sardar Balwant Singh Gulliani advocate was approached and he agreed to present the expert witness. He also offered to charge no fees for the purpose. The next date of hearing was February 20, 2009. The write-up was presented well before that date to enable the judges to read

it before hearing the witness. On the next date of hearing, the 20<sup>th</sup> of February, the day belonged to Mr. K. T. S. Tulsi who presented the DSGMC's views and to a few others who had something to say. Professor Gurdarshan Singh also spoke briefly to convey his views on the '*teesar panth*' thesis. Giani Harinder Singh gave his exposition. Among others, Sardar Paramjit Singh Sarna was present in the court along with several members of the Sikh Gurdwara Management Committee. On February 24, 2009, the Sikh Gurdwara Management Committee also authorised Gurtej Singh to appear on its behalf but made no arrangements to present him officially to the court. He was eventually heard on the 27<sup>th</sup> of February.

These are the circumstances that led to the preparation of the basic paper on the subject (Part I) and then to the subsequent presentation (Part II), which is no more than a simplified form of Part I put in non-academic and non-spiritual genre to make it commonly understood. A report about the proceedings appeared in three daily papers. To give the reader a feel of the atmosphere within the court and the impression gathered by the people present there, the reporting by two seasoned Press persons is being reproduced from the *Aj Dī Āwāz*, Jalandhar of February 28, 2009 and from the *Punjab Times*.

Part II is but an elaboration of Part I, the basic paper. For the sake of easy understanding it puts the contents of the first part into as simple a language as was possible. The line of thought pursued, was laid threadbare. Five institutions that have legitimate authority to propound the Sikh faith were delineated clearly. Apart from Akalpurakh, Guru, *Guru Granth* and the Guru Khalsa Panth, the fifth one mentioned was the congregation of believing Sikhs (*sādh saṅgat*). An attempt was made to demonstrate how each one of them upholds the intimate relationship between human hair,

spiritual striving and the Sikh faith. An attempt was made to adduce evidence in support of the proposition that all the Gurus from Nanak to Gobind Singh, without a single exception, supported the hirsute Khalsa appearance. The theological issue was discussed. The evidence of history was marshalled. Evidence to show why the Tenth Guru's specific injunction on the subject must be deemed to be the order of all the ten Gurus, was presented. The Sikh faith is a continuous affirmation of the basic ideas of Guru Nanak who started with the aim of evolving a model human being most conducive to the welfare of humanity and to facilitate its God-ward spiritual progress. Maintenance of unshorn physical appearance has to be deemed as an integral part of the discipline of one aspiring to be a fully developed spiritual being capable of translating God's will into human history. The historical and philosophical impact of the Sikh movement and the prospect of its impinging meaningfully on the future of humankind was pointed out. Its spiritual contribution to the welfare of the world and to the emergence of a common culture for humanity was hinted at. An attempt was made to remind all concerned including the law courts, other state and non-state human institutions that they must restrain themselves from interfering with the prophetic vision of the divinely inspired Gurus.

The exposition, it is hoped will have made some contribution to Sikh studies. It will be henceforth quite difficult to accuse the Sikhs of failing to define themselves. A section of western scholars have been propagating that it takes legislation to define a Sikh. Neither will they, and certain of their Indian followers, be able to assert with a straight face that the British colonial power was able to impose its own peculiar construct on the Sikh faith. Most of the vital evidence cited in this regard, is wholly free of the taint of colonisers and pre-dates the British period.

It was considered necessary to make a summary of the impromptu answers in response to questions raised by the court during the hearing as that helps to further clarify some of the allied issues. This is being presented separately in the epilogue to this treatise.

The entire purpose of putting this together is to provide a sort of working paper for those who would like to probe the very important subject further. Eternal relevance of the subject for the Sikh faith is obvious. The Sikhs believe that it is also intimately related to the future of humankind. The situation demands that all available information making the subject understood must be preserved. It is also a sound practical proposition that all concerned be spared the effort to dig a well to draw the information that has presumably been put together many times before.

It is hoped that the aspect of spiritualism brought out here will be of interest to all religiously inclined persons, regardless of whether they believe or do not believe that the Guru's command on the subject has divine sanction.

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## PART ONE

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### Of Prophetic Vision, Human Dignity and Uncut Hair

1. The Sikh faith (*Sikhi*) is based on the prophetic vision of Guru Nanak and his nine successors. The Guru claims to be interpreting the Will of God in revealing *Sikhi*,<sup>1</sup> thereby claiming divine sanction for his mission. By an established doctrine of the faith (a part of the prophetic vision), testified to be the sacred text<sup>2</sup> as well as recorded by many historians since Bhai Gurdas,<sup>3</sup> and Mohsin Fani,<sup>4</sup> both contemporaries of the Sixth Nanak, all Gurus are to be deemed Nanak in ten historical forms. The Tenth Guru is referred to as "Guru Govind Nanak" in official records of the contemporary Mughal administration.<sup>5</sup>
2. Guru Nanak cites divine revelation as his source of knowledge of the Ultimate Reality (Akalpurakh), its relationship with the creation and the individual. According to it, Akalpurakh created the universe out of Himself. (*Sāche te pavnā bhae-ā, pavnai te jal hoe. Jal te tribhavan sājīā... SGGs, p. 19*). The Creation has two aspects, it comprises of the seen and the unseen. The

1. *Hau āpoh bol nā jāndā mai kahiā sabh hukmāo jīo. (Guru Granth, p. 763).*

2. See *Guru Granth*, p. 1408.

3. *Vārāñ Bhāi Gurdās Jī*, Shiromani Gurdwara Parbandhak Committee, Amritsar, 1952, *Vār* 13, *paurī* 25 and *Vār* 20, *paurīs* 1 and 2; *Vār* 1, *paurī* 45.

4. *Sikh History from Persian Sources*, Ed. By J. S. Grewal and Irfan Habib, Tulika, New Delhi, 2001, p. 64.

5. See, William Irvine, *Later Mughals*, Orient Books Reprint Corporation, New Delhi, January 1971, p. 90.

spiritual struggle of a person is an ongoing attempt to remain in intimate contact with the transcendental or the unseen (God). Upon the degree of success in maintaining that contact, will depend whether one merges with ones original source after the completion of the life-span or will transmigrate. The individual has to make an effort to become fully Akalpurakh-oriented. The Guru lays down a whole range of mental attitudes, cultural mores, moral values and precisely defines mental and physical discipline that a seeker must adopt to establish this enduring relationship with the Akalpurakh. Apart from their ability to afford personal spiritual progress, these measures are designed to equip one to serve humanity and thereby Akalpurakh who inheres in His creation. This is the culmination of the spiritual life, *muktī*, *nirvāṇa* or the final release according to the Guru whose belief system has no concept of heaven or hell. A believer must make it good here, in this life and must develop spiritually, morally and ethically to reach the stage of a *jīwan mukta*.

3. The inner discipline of *Sikhi* obliges a person to believe in One Akalpurakh who is the lone creator, sustainer and destroyer of the universe. His divine law or *hukam* prescribes precisely how every created being, be it human, non-human, material or subtle, is to function. Total acceptance of *hukam* facilitates union with God.<sup>6</sup> It further involves adopting a self-discipline that is in complete harmony with the divine law. This is the essential precondition of establishing a mystic communion with the divine. It is this that determines the spiritual progress and final achievement of the goal of life by the individual.

6. *Kiv sachīārā hoī-ai, kiv koorai tuṭai pāl. Hukam rajāi chālñā Nanak likhiā nāl.* ('Japuji', *Guru Granth*, p. 1)

4. The theory of transmigration explains why it is necessary to make it good in this life. One who does not submit to the discipline of the divine law remains a disoriented, discordant, self-guided, and a self-alienated personality (a *manmukh*) and will transmigrate into various forms of life until another human birth becomes possible.<sup>7</sup> Human birth is necessary to achieve the goal of life. Human birth is thus a rare opportunity.<sup>8</sup>
5. Inner discipline in conformity with the divine law that a person is expected to adhere to, revolves around total acceptance of His will and progressively interiorizing the revealed attributes of Akalpurakh until no qualitative difference between a human and the divine exists.<sup>9</sup> The suggested physical discipline is calculated to keep the body healthy, in a battle fit condition and scrupulously maintaining it in the form in which Akalpurakh has created it. This also involves maintaining the body hair in the original form. Succumbing to the temptation to appear better groomed by cutting hair is an aesthetic falsity since the holy and the beautiful coalesce in Sikh faith.<sup>10</sup> Besides constituting an expression of the ignorant ego, the Sikh tradition takes removing of hair to be a denial of the principles of growth, procreation and regeneration that sustains the creation process. Destruction of ego and acceptance of Akalpurkh's Will is the first step prescribed for those desirous of treading

7. *Is paūrī te jo nar chūkai so āe jāe dukh pāe-dā.* (Guru Granth, M. 5, p. 1075)

8. *Bhaī prāpat mānukh dehurīā. Gobind milan kī eh terī barīā.* (Guru Granth, p. 12)

9. M. 2. *Bhukhiā bhukh na utrai galī bhukh na jāe. Nanak bhukhā tā rajai jā guṇ kaih guṇī samāe.* (Guru Granth, p. 147); *Anhat sunn ratte se kaise. Jis te upje tis hī jaise.* (Guru Granth, M. 1, p. 943)

10. God is conceived of as Formless. Whenever it was found necessary, He has been referred to as a human being, with 'a beautiful nose, long hair' *Tere baṅke loṇ, dant rīsālā. Sohṇē nak jīn lammṛe vālā. Kañchan kae-ā sue-ne kī dhālā.* (Guru Granth, p. 567)

the spiritual path laid down by the Guru.<sup>11</sup> These instructions are written by the Guru in his *Bānī* (Word) or revelation which was formally collected in one volume, *Granth Sāhib*, having the status of a scripture in Sikh culture.

6. Other necessary steps concerned with inner discipline oblige one to shun (like the plague) the five major impediments that leave no room for spirituality in a person. In their extreme form they are the afflictions of the senses and are described as *kām*, *krodh*, *lobh*, *moh*, *ahankār* (desire, passion, greed, attachment and arrogance). By a proper appreciation and rigorous training prescribed by the Guru's Word, these can be strictly regulated and made to aid the transformation of the individual into a God-oriented (*gurmukh*) rather than a self-alienated (*manmukh*) person. This is a vital preparation, a qualification and precondition of an undertaking to serve humanity. It also confers a number of mental attitudes conducive to efficient performance of the task on hand. Operating at the ideal level, these attitudes induce a perfect balance in the human personality. In spiritual terms this is the state of equipoise and is called *Sehaj*. In this state a person remains calm and balanced under all circumstances, in normal day to day life, on the field of battle, on the seat of authority, in torture chambers and in the gallows.
7. According to the Guru, the blessing of an integrated and balanced human personality in divine equipoise, successfully meeting the vagaries of mundane existence, is an epitome of the spiritual life.<sup>12</sup> It is the *sehaj*

11. *Hukam rajāi chālā Nanak likhiā nāl.* ('Japuji', *Guru Granth*, p. 1); *Se bhagat Har bhāvade jo gurmukh bhāe chalann. Āp chhod sevā karan, jivat mue rahann.* (*Guru Granth*, p. 233)

12. *Nāo dhiāi-ai nāo māngi-ai nāme sahaj samāe. Man mere Har ras chākh tikh jāe. Jinī gurmukh chākhīā sahje rahe samāe.* 1. *Rahāo.* (*Guru Granth*, p. 26)



existence, which, ascending the limitations of matter, (the bane of misinformed human existence), for a large part, merges into the pre-Creation poise of the Akalpurakh. Some of the most dynamic and creative images of history are those of the Buddha calling the earth to witness, just before enlightenment, of Guru Arjan sitting calmly on the burning iron plate, of Guru Tegh Bahadur waiting to receive the blade of the executioner's sword and that of Guru Gobind Singh resplendently sitting in the 'knight pose' (*bīr āsan*) and stirring the bowl of water for initiation with his double-edged sword on the Baisakhi day of 1699. Philosophically, this poise is the most dynamic state in the game of creation and is the repository of all Godly virtues that qualify the devotee firstly to accomplish a mystical union with God and then subsequently to carry out His benign will. This is the arrangement through which God marches into human history. *Sehaj* also helps an individual in automatically establishing the same relationship with the Guru, the Enlightener eventually performing the function of the Ultimate Reality in devouring human ignorance.<sup>13</sup>

8. A person who has achieved the state of *Sehaj* is to always stand by truth and justice. He is to conduct himself as a soldier in the army of the Akalpurakh, battling to see that His love for human beings continues to be expressed through human institutions. Akalpurakh loves all beings like a mother or a father loves a child. A voluntary soldier in His army must provide the same filial love and care to all creation. This is Guru's prescription for ever increasing spiritual progress,

13. *Jau tau prem khelan kã chão sir dhar talĩ galĩ merĩ ão, it mãrag pair dharĩjãĩ, sir dĩjãĩ kãĩ na kĩjãĩ.* (Guru Granth, p. 1412)

material wellbeing and eternal happiness of humankind. That is the theological position.

9. Several philosophical positions derived from the above may be developed to explore the contribution of Sikh thought to the development of human civilisation. Formulations based on this approach can be mooted to support concrete propositions which are conducive to the perpetual existence of a sane tension free society affording human dignity to all under all circumstances.
10. Historically, these ideals were preached by Guru Nanak for about 239 years (1469-1708). The process of creating a society of volunteers wedded to upholding these teachings, found culmination in two events that took place during the time of the Tenth Nanak. On the Baisakhi day of 1699, he formally initiated the complete person of the Guru's conception into a Singh, a knight, by administering *amrit* and by precisely prescribing the religious vows to be observed by him as Akalpurakh's champion. These among others include the injunctions to maintain the body hair in its natural state. Four taboos were also prescribed and include the cutting or trimming of hair as grave indiscipline meriting immediate suspension from the membership of the Order of the Khalsa. It is at par with the use of tobacco, which is considered particularly reprehensible and destructive of piety. He organised the society of the thus initiated persons into an Order of the Khalsa. The status of Guru Khalsa Panth was conferred on this entity on that very day. That happened when the Tenth Nanak, in a supreme gesture of utter humility, knelt before the five Singhs he had just initiated into the Order, and begged to be initiated as the sixth.
11. Guru Gobind Singh created this Order at Anandpur

Sahib. The spot at which the event took place and at which the code of conduct was pronounced, has been since called 'Kesgarh Sahib.' One of the foremost philosophers, Sirdar Kapur Singh, has translated the term to mean 'the blessed fort of uncut hair.'<sup>14</sup> It is now accepted as one of the sovereign seats of religion by the Sikhs and is called a 'Takhat, meaning 'the throne.' Implication of the name and the importance given to the place is indicative of the emphasis laid on the physical appearance of a devotee by the Guru. This concern has been recorded in the *rehatnāmās* or contemporary/near contemporary treatises on the ideal conduct for a Sikh.

12. During the last days of his sojourn on earth, the Tenth Nanak ceremoniously appointed *Granth* as his eternal successor to the throne of *Guruship*. Henceforth we have had the concept of *Guru Granth* and Guru Khalsa Panth as representing the spirit and the mystic body of the Guru. While the Khalsa Panth is to be deemed the corporeal body of the Guru, the *Guru Granth* represents his will. The Panth can be called Guru Khalsa Panth only as long as it continues to accept the supremacy of the Guru's will spelt out in the *Guru Granth*.
13. With the active help of the Shiromani Gurdwara Parbandhak Committee, the Guru Khalsa Panth has formulated a code of conduct for the Guru's followers. It is known as the *Sikh Rehat Maryādā*. This is in most part, in conformity with the teachings of the *Guru Granth*. It includes keeping the body hair intact as a measure of religious and spiritual discipline. In fact it projects the unshorn Khalsa form to be a symbol of

14. Kapur Singh, *Parāsaraprasnā*, Guru Nanak Dev University, Amritsar, 1989, pp. 73-85.

spiritual and moral integrity and that of steadfastness in the face of extreme adversity. The Panth has also prescribed the congregational prayer which is repeated at least twice daily by every individual Sikh and several times in Sikh congregations. This prayer embodies Sikh aspirations and lays down Sikh obligations. It is sacred since it is a medium of communication with the Ultimate Reality. Through this prayer every Sikh prays for the divine 'gift of uncut hair to last as long as life remains in the body' (*sikhī kesāñ swāsāñ sañg nibhāe*).

14. It is universally believed that almost with his very last breath, the Tenth Nanak summed up his entire mission in a pithy statement: "*poojā Akāl kī, parchā sabad kā, dīdār khālse dā ate Sikh bhalā sarbat dā lochai*." This has been used to express the core philosophy of the faith since then. Its nearest translation would read: 'a Sikh must worship Akal alone, must take the Word to be the measure of personal conduct, must consider the Khalsa physical form to be ideal and must ever strive for the welfare of entire humanity.'
15. There are several instances from Sikh history that emphasise the central role of uncut hair in the life of a Sikh. Sikhs initiated according to the finalised form of initiation, refused to remove their facial and head hair on the demise of their parents as was the Hindu custom. According to contemporary evidence, the Hindu traders of Delhi closed shops in protest and petitioned emperor Aurangzeb to put an end to the undermining of their age-old religious custom by the Guru. The agitation continued for many days. An attempt was made to bribe the lower officials but it did not work. Authorities refused to take action.<sup>15</sup> By

15. Sainapat, *Srī Gur Sobhā*, Punjabi University, Patiala, 1967, edited by Ganda Singh, pp. 43, 44, and 46.

inaction, the Mughal administration implicitly recognised that the matter was outside the scope of adjudication or administrative action by the state.

16. For about sixty years beginning with 1716 CE, the Sikhs were severely persecuted by the Mughals. The ball was set rolling by a general order of extermination issued by the emperor to 'kill all Sikhs (*Nānakprastān*) wherever found.' Roving bands of exterminators were organised by the authorities. Our chronicles are clear that the 'long haired,<sup>16</sup> people were on their hit lists. It is known that sometimes they killed women with long hair to collect bounties and passed them off as young Sikhs. It is remarkable that not a single Sikh without full length hair was discovered by these ubiquitous roving bands. At about the same time, orders were issued asking all bearded men in the army and public services to shave off as a measure to identify the Sikhs.<sup>17</sup> The Mughals related Sikhs with long hair alone. This was the enemy perception upon the accuracy of which depended the success of the enemy's policy, their safety and hence their continuation in political power.
17. The same is true in relation to the perception of the British colonial power. In its earliest expressions, it categorised the Sikhs as Hindus, the identity that had suited them the most in their conquest of India. The report on the Administration of the Punjab 1849-50 and 1850-51, put the Sikhs under the category of Hindus. The first limited Census Report of 1855 too did the same. In 1868 an arrangement was made to enter the

16. Rattan Singh Bhangu, *Prāchīn Panth Prakāsh*, Khalsa Samāchār, 1962, Ed. Bhai Vir Singh, pp. 233 *kesān wālā chhadō na koī* and 234.

17. William Irvine, *Later Mughals*, Orient Books Reprint Corporation, New Delhi, January 1971, p. 106.

Sikh separately but no criteria for identifying them, was fixed. It was only in the Census of 1881 that the respondent's opinion about their religion was respected but still there was no fixed method of identification. In the Census Reports of 1891, conditions were stipulated under which a Sikh could be termed a Sikh. He had to have his hair and beard intact and had to be abstaining from smoking tobacco in order to qualify for being accepted as a Sikh for the purpose of the Census.

18. Those who now call themselves *sehajdhārīs*, appeared on the scene much later. The formal nomenclature appears to have come only after 1911, much after the Sikh rule (formally designated as *Sarkār Khalsa Jīo* translatable as 'People's Republic Lead by the Khalsa') was extinguished. In this period they occupied the *gurdwaras*. With the firm establishment of the British power in the Punjab, they became their most trusted allies in an attempt at shaping the Sikh faith to suit the imperial design. They occupied the Sikh shrines and had to be thrown out at a huge cost. Hundreds of Sikhs courted martyrdom, bore indignities, paid heavy fines and suffered long incarcerations to rid the *gurdwaras* of the so-called *sehajdhārī* control.<sup>18</sup>
19. There is no doubt that the form in which the Guru expects to see a Sikh has been defined very clearly by the (Tenth) Guru. It is certainly based on the prophetic vision of the Gurus expressed in the *Guru Granth*. It has been fully upheld by the Guru Khalsa Panth. The vision of the Gurus has divine sanction and is related intimately to the welfare of the world at large and the

18. Ruchi Ram Sahni, *Struggle for Reform in Sikh Shrines*, Sikh Itihas Research Board, SGPC, Amritsar and Bhai Narayan Singh, *Jathedār Kartār Singh Jhabbar*, translated by Karnail Singh, Dharam Parchār Committee, SGPC, Amritsar, 2001.

spiritual progress of humankind. This is testified to by the sacred literature (*rehatnāmās*, *Gurbilās* etc.) of the Sikhs, affirmed by well known facts of history and is well grounded in Sikh scripture and religious literature. In the past this most profound vision has crafted remarkably altruistic human beings, super human warriors, spirited sportsmen, humane rulers, excellent fighters for right causes, mystics and scholars. It has promoted a scientific temperament and superior work ethics. Though very small in numbers, the Sikhs have turned the tide of history many a time in their short existence of about five and a half centuries, thus exhibiting the potential of the message, if it is properly interpreted. They continue to make history. The Guru's vision appears to have the greatest potential to benefit humankind and to make a substantial contribution to human welfare and world peace, if allowed to flourish unhindered.

20. In consequence of the above discussion, it is safe to conclude that the only external form in which a Sikh is acceptable to the Guru is that of a duly initiated (*amritdhārī*) Khalsa with his body hair fully intact. All manner of people will continue to consider themselves Sikhs. That is not to be discouraged. Their claim must not be taken lightly, it should not be ridiculed or derided but must be actively welcomed with all humility. They however can have no authority to amend the prophetic vision of the Guru and to impose their private view on the opinion of the *Guru Granth* and *Guru Khalsa Panth*. The lax, the reluctant, the fallen and the depraved will also continue to exist in the Sikh fold as they exist in all others. They are to be regarded as preys to human frailties, victims of mental

affliction and accorded every measure of sympathy and regard. They must be afforded every opportunity and given every help to reform themselves, for, to err is human. They too however cannot define what code of conduct is to apply to the Sikhs. No human institutions such as boards elected to administer the Gurdwaras, legislative bodies or law courts must attempt it either. It simply does not fall within their purview.



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## PART TWO

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### Additional Submissions to the High Court on *Sehajdhari* and *Patit* Issue

[Additional submissions presented to the Honourable Court on February 27, 2009, in continuation of CM No. 2940/2009 in CWP No. 13292 of 2004 titled Gurleen Kaur & Others versus the State of Punjab.]

1. I am basically a student of history. Rules governing admissibility of evidence in history are much more exacting than legal requirements. Rightly so, for, every verdict of a historian reflects upon many generations of the past and affects all that come in the future – unlike most of the judgements delivered by courts of law.
2. The rules for evaluation of evidence in history go much beyond legal needs and maybe, qualitatively different. When one steps into the realm of spirituality, the position is further accentuated. For instance, a person who conceals exact information about the nature of the deity s/he worships or about the preceptor, is guilty of misleading generations upon generations of people on a matter absolutely vital for spiritual development. S/he will be considered guilty of setting humanity on the path of conflict, misery and destruction. Such a person would be a manipulator of peoples' conscience, destroyer of their personalities, of spirituality and an exploiter of their faith. This is taken to be a crime of mind boggling dimensions. It is therefore what the prophet says that has to be considered as absolute truth—without the slightest doubt.

3. Using blunt words, bordering on crudity, I want to sum up the essence of my submission already before this honourable court, in three short sentences.

- A. The Guru has erected God into a powerful role-model for seekers after Truth.
- B. The role-model is not only to be loved and admired with all the intensity, devotion and sincerity that human nature can muster, but is to be closely imitated in every single known detail revealed by the infinitely benign preceptor.
- C. This is the very goal of spirituality. The rest is matter of detail.

# I

4. Guru Nanak's story begins with the Creation. In a masterly exposition, he describes the pre-creation stage when only the Ever Existent was. It is a hymn of 16 lines. The first 13 describe the pre-creation stage and in the last three he briefly points to the situation after creation. God revealed Himself but remained essentially still unknown. 'Nobody knows Him fully.' Whatever is knowable about Him 'is knowable through the perfect Guru,' he asserts. He has thus emphasised two fundamental aspects of Ultimate Reality.

ਅਰਬਦ ਨਰਬਦ ਪ੍ਰਧੂਕਾਰਾ ॥  
 ਧਰਣਿ ਨ ਗਗਨਾ ਹੁਕਮੁ ਅਪਾਰਾ ॥  
 ਨਾ ਦਿਨੁ ਰੈਨਿ ਨ ਚੰਦੁ ਨ ਸੂਰਜੁ ਸੁੰਨ ਸਮਾਧਿ ਲਗਾਇਦਾ ॥੧॥  
 ਖਾਣੀ ਨ ਬਾਣੀ ਪਉਣ ਨ ਪਾਣੀ ॥  
 ਓਪਤਿ ਖਪਤਿ ਨ ਆਵਣ ਜਾਣੀ ॥  
 ਖੰਡ ਪਤਾਲ ਸਪਤ ਨਹੀ ਸਾਗਰ ਨਦੀ ਨ ਨੀਰੁ ਵਹਾਇਦਾ ॥੨॥  
 ਨਾ ਤਦਿ ਸੁਰਗੁ ਮਛੁ ਪਇਆਲਾ ॥  
 ਦੇਜਕੁ ਭਿਸਤੁ ਨਹੀ ਧੈ ਕਾਲਾ ॥  
 ਨਰਕੁ ਸੁਰਗੁ ਨਹੀ ਜੇਮਣੁ ਮਰਣਾ ਨਾ ਕੋ ਆਇ ਨ ਜਾਇਦਾ ॥੩॥

ਬ੍ਰਹਮਾ ਬਿਸਨੁ ਮਹੇਸੁ ਨ ਕੋਈ ॥  
 ਅਵਰੁ ਨ ਦੀਸੈ ਏਕੋ ਸੋਈ ॥  
 ਨਾਰਿ ਪੁਰਖੁ ਨਹੀ ਜਾਤਿ ਨ ਜਨਮਾ ਨਾ ਕੋ ਦੁਖੁ ਸੁਖੁ ਪਾਇਦਾ ॥੪॥  
 ਨਾ ਤਦਿ ਜਤੀ ਸਤੀ ਬਨਵਾਸੀ ॥  
 ਨਾ ਤਦਿ ਸਿਧ ਸਾਧਿਕ ਸੁਖਵਾਸੀ ॥  
 ਜੋਗੀ ਜੰਗਮ ਭੇਖੁ ਨ ਕੋਈ ਨਾ ਕੋ ਨਾਥੁ ਕਹਾਇਦਾ ॥੫॥  
 ਜਪ ਤਪ ਸੰਜਮ ਨਾ ਬ੍ਰਤ ਪੂਜਾ ॥  
 ਨਾ ਕੋ ਆਖਿ ਵਖਾਣੈ ਦੂਜਾ ॥  
 ਆਪੇ ਆਪਿ ਉਪਾਇ ਵਿਗਸੈ ਆਪੇ ਕੀਮਤਿ ਪਾਇਦਾ ॥੬॥  
 ਨਾ ਸੁਚਿ ਸੰਜਮੁ ਤੁਲਸੀ ਮਾਲਾ ॥  
 ਗੋਪੀ ਕਾਨੁ ਨ ਗਊ ਗੋਆਲਾ ॥  
 ਤੰਤੁ ਮੰਤੁ ਪਾਖੰਡੁ ਨ ਕੋਈ ਨਾ ਕੋ ਵੰਸੁ ਵਜਾਇਦਾ ॥੭॥  
 ਕਰਮ ਧਰਮ ਨਹੀ ਮਾਇਆ ਮਾਖੀ ॥  
 ਜਾਤਿ ਜਨਮੁ ਨਹੀ ਦੀਸੈ ਆਖੀ ॥  
 ਮਮਤਾ ਜਾਲੁ ਕਾਲੁ ਨਹੀ ਮਾਥੈ ਨਾ ਕੋ ਕਿਸੈ ਧਿਆਇਦਾ ॥੮॥  
 ਨਿੰਦੁ ਬਿੰਦੁ ਨਹੀ ਜੀਉ ਨ ਜਿੰਦੋ ॥  
 ਨਾ ਤਦਿ ਗੋਰਖੁ ਨਾ ਮਾਛਿੰਦੋ ॥  
 ਨਾ ਤਦਿ ਗਿਆਨੁ ਧਿਆਨੁ ਕੁਲ ਓਪਤਿ ਨਾ ਕੋ ਗਣਤ ਗਣਾਇਦਾ ॥੯॥  
 ਵਰਨ ਭੇਖ ਨਹੀ ਬ੍ਰਹਮਣ ਖੜੀ ॥  
 ਦੇਉ ਨ ਦੇਹੁਰਾ ਗਊ ਗਾਇਤ੍ਰੀ ॥  
 ਹੋਮ ਜਗ ਨਹੀ ਤੀਰਥਿ ਨਾਵਣੁ ਨਾ ਕੋ ਪੂਜਾ ਲਾਇਦਾ ॥੧੦॥  
 ਨਾ ਕੋ ਮੁਲਾ ਨਾ ਕੋ ਕਾਜੀ ॥  
 ਨਾ ਕੋ ਸੇਖੁ ਮਸਾਇਕੁ ਹਾਜੀ ॥  
 ਰਈਅਤਿ ਰਾਉ ਨ ਹਉਮੈ ਦੁਨੀਆ ਨਾ ਕੋ ਕਹਣੁ ਕਹਾਇਦਾ ॥੧੧॥  
 ਭਾਉ ਨ ਭਗਤੀ ਨਾ ਸਿਵ ਸਕਤੀ ॥  
 ਸਾਜਨੁ ਮੀਤੁ ਬਿੰਦੁ ਨਹੀ ਰਕਤੀ ॥  
 ਆਪੇ ਸਾਹੁ ਆਪੇ ਵਣਜਾਰਾ ਸਾਚੇ ਏਹੋ ਭਾਇਦਾ ॥੧੨॥  
 ਬੇਦ ਕਤੇਬ ਨ ਸਿੰਮ੍ਰਿਤਿ ਸਾਸਤ ॥  
 ਪਾਠ ਪੁਰਾਣ ਉਦੈ ਨਹੀ ਆਸਤ ॥  
 ਕਹਤਾ ਬਕਤਾ ਆਪਿ ਅਗੋਚਰੁ ਆਪੇ ਅਲਖੁ ਲਖਾਇਦਾ ॥੧੩॥  
 ਜਾ ਤਿਸੁ ਭਾਣਾ ਤਾ ਜਗਤੁ ਉਪਾਇਆ ॥  
 ਬਾਝੁ ਕਲਾ ਆਡਾਣੁ ਰਹਾਇਆ ॥  
 ਬ੍ਰਹਮਾ ਬਿਸਨੁ ਮਹੇਸੁ ਉਪਾਏ ਮਾਇਆ ਮੋਹੁ ਵਧਾਇਦਾ ॥੧੪॥  
 ਵਿਰਲੇ ਕਉ ਗੁਰਿ ਸਬਦੁ ਸੁਣਾਇਆ ॥  
 ਕਰਿ ਕਰਿ ਦੇਖੈ ਹੁਕਮੁ ਸਬਾਇਆ ॥  
 ਖੰਡ ਬ੍ਰਹਮੰਡ ਪਾਤਾਲ ਅਰੰਭੇ ਗੁਪਤਹੁ ਪਰਗਟੀ ਆਇਦਾ ॥੧੫॥

ਤਾ ਕਾ ਅੰਤੁ ਨ ਜਾਣੈ ਕੋਈ॥

ਪੂਰੇ ਗੁਰ ਤੇ ਸੋਝੀ ਹੋਈ॥

[ਅਰਥ : ਪੂਰੇ ਗੁਰੂ ਤੋਂ ਇਹ ਸਮਝ ਪੈਂਦੀ ਹੈ ਕਿ ਕੋਈ ਭੀ ਜੀਵ ਪਰਮਾਤਮਾ ਦੀ ਤਾਕਤ ਦਾ ਅੰਤ ਨਹੀਂ ਜਾਣ ਸਕਦਾ।]

ਨਾਨਕ ਸਾਚਿ ਰਤੇ ਬਿਸਮਾਦੀ ਬਿਸਮ ਭਏ ਗੁਣ ਗਾਇਦਾ॥੧੬॥

(ਮਾਰੂ ਮਹਲਾ ੧, ਪੰਨੇ 1035-36)

5. Thereafter He is 'the God of attributes and also the attributeless one, in intense meditative trance, cocooned in the state of equipoise, the state of nothingness.'

i) ਨਿਰਗੁਣੁ ਸਰਗੁਣੁ ਆਪੇ ਸੋਈ॥...

[ਅਰਥ : ਉਹ ਪਰਮਾਤਮਾ ਆਪ ਹੀ ਉਸ ਸਰੂਪ ਵਾਲਾ ਹੈ ਜਿਸ ਵਿਚ ਮਾਇਆ ਦੇ ਤਿੰਨ ਗੁਣਾਂ ਦਾ ਲੇਸ਼ ਨਹੀਂ ਹੁੰਦਾ, ਆਪ ਹੀ ਉਸ ਸਰੂਪ ਵਾਲਾ ਹੈ ਜਿਸ ਵਿਚ ਮਾਇਆ ਦੇ ਤਿੰਨ ਗੁਣ ਮੌਜੂਦ ਹਨ (ਆਕਾਰ ਤੋਂ ਰਹਿਤ ਭੀ ਆਪ ਹੀ ਹੈ, ਤੇ ਇਹ ਦਿਸਦਾ ਆਕਾਰ ਰੂਪ ਭੀ ਆਪ ਹੀ ਹੈ)]

[Transcendent and Immanent is He Himself.]

ii) ਹਰਿ ਸਰਿ ਵਸੈ ਹਉਮੈ ਮਾਰਿ॥...

[ਅਰਥ : ਉਹ (ਆਪਣੇ ਅੰਦਰੋਂ) ਹਉਮੈ ਦੂਰ ਕਰ ਕੇ ਪਰਮਾਤਮਾ-ਸਰੋਵਰ ਵਿਚ ਵਸੇਬਾ ਰੱਖਦਾ ਹੈ।]

[He dwells in the lake that God is after vanquishing the ego.]

iii) ਜੀਵਤੁ ਮਰੈ ਗੁਰ ਸਬਦੁ ਬੀਚਾਰੈ ਹਉਮੈ ਮੈਲੁ ਚੁਕਾਵਣਿਆ॥੬॥

[ਅਰਥ : ਜਿਹੜਾ ਮਨੁੱਖ ਦੁਨੀਆ ਦੇ ਕਾਰ-ਵਿਹਾਰ ਕਰਦਾ ਹੋਇਆ ਹੀ ਆਪਾ-ਭਾਵ ਵੱਲੋਂ ਮਰਿਆ ਰਹਿੰਦਾ ਹੈ, ਜਿਹੜਾ ਗੁਰੂ ਦੇ ਸ਼ਬਦ ਨੂੰ ਆਪਣੇ ਅੰਦਰ ਟਿਕਾਈ ਰੱਖਦਾ ਹੈ, ਉਹ ਆਪਣੇ ਅੰਦਰੋਂ ਹਉਮੈ ਦੀ ਮੈਲ ਦੂਰ ਕਰ ਲੈਂਦਾ ਹੈ।੬।]

[By contemplating on the Guru's word, he who dies unto the world (refrains from excessive attachment) completely rids self of the dross of ego.]

(ਮਾਝ ਮਹਲਾ ੩, ਪੰਨੇ 128-29)

iv) ਰਾਜ ਜੋਬਨ ਪ੍ਰਭ ਤੂੰ ਧਨੀ॥

ਤੂੰ ਨਿਰਗੁਨੁ ਤੂੰ ਸਰਗੁਨੀ॥੨॥

[ਅਰਥ : ਹੇ ਪ੍ਰਭੂ ! ਤੂੰ ਹੀ ਹਕੂਮਤ ਦਾ ਮਾਲਕ ਹੈਂ, ਤੂੰ ਹੀ ਜਵਾਨੀ ਦਾ ਮਾਲਕ ਹੈਂ (ਤੈਥੋਂ ਹੀ ਜੀਵ ਦੁਨੀਆ ਵਿਚ ਹਕੂਮਤ ਕਰਨ ਦੀ ਦਾਤਿ ਲੈਂਦੇ ਹਨ, ਤੈਥੋਂ ਹੀ ਜਵਾਨੀ ਪ੍ਰਾਪਤ ਕਰਦੇ ਹਨ)। (ਜਦੋਂ ਜਗਤ ਨਹੀਂ ਸੀ ਬਣਿਆ) ਮਾਇਆ ਦੇ ਤਿੰਨਾਂ ਗੁਣਾਂ ਤੋਂ ਰਹਿਤ ਭੀ ਤੂੰ ਹੈਂ, (ਹੁਣ ਤੂੰ ਜਗਤ ਰਚ ਦਿੱਤਾ ਹੈ) ਇਹ ਦਿੱਸਦਾ ਆਕਾਰ ਮਾਇਆ ਦੇ ਤਿੰਨਾਂ ਗੁਣਾਂ ਵਾਲਾ—ਇਹ ਭੀ ਤੂੰ ਆਪ ਹੀ ਹੈਂ।੨।]

(Master, You are the ultimate source of all political power and youthful strength. In the pre-creation stage you existed

bereft of three predicaments of the seen world and thereafter you are also the manifestation subject to the three banes of human existence.]

(ਗਉੜੀ ਮਹਲਾ ੫, ਪੰਨਾ 211)

- v) ਸਲੋਕੁ ॥ ਨਿਰੰਕਾਰ ਆਕਾਰ ਆਪਿ ਨਿਰਗੁਨ ਸਰਗੁਨ ਏਕ ॥

ਏਕਹਿ ਏਕ ਬਖਾਨਨੋ ਨਾਨਕ ਏਕ ਅਨੇਕ ॥੧॥

[ਅਰਥ: ਸਲੋਕ:—ਅਕਾਰ-ਰਹਿਤ ਪਰਮਾਤਮਾ ਆਪ ਹੀ (ਜਗਤ-) ਆਕਾਰ ਬਣਾਂਦਾ ਹੈ। ਉਹ ਆਪ ਹੀ (ਨਿਰੰਕਾਰ ਰੂਪ ਵਿਚ) ਮਾਇਆ ਦੇ ਤਿੰਨ ਸੁਭਾਵਾਂ ਤੋਂ ਪਰੇ ਰਹਿੰਦਾ ਹੈ, ਤੇ ਜਗਤ-ਰਚਨਾ ਰਚ ਕੇ ਮਾਇਆ ਦੇ ਤਿੰਨ ਗੁਣਾਂ ਵਾਲਾ ਹੋ ਜਾਂਦਾ ਹੈ। ਹੇ ਨਾਨਕ! ਪ੍ਰਭੂ ਆਪਣੇ ਇਕ ਸਰੂਪ ਤੋਂ ਅਨੇਕਾਂ ਰੂਪ ਬਣਾ ਲੈਂਦਾ ਹੈ, (ਪਰ ਇਹ ਅਨੇਕ ਰੂਪ ਉਸ ਤੋਂ ਵੱਖਰੇ ਨਹੀਂ ਹਨ) ਇਹੀ ਕਿਹਾ ਜਾ ਸਕਦਾ ਹੈ ਕਿ ਉਹ ਇਕ ਆਪ ਹੀ ਆਪ ਹੈ।੧।]

[Formless God himself creates the world of forms. In the unmanifest form He remains aloof from the three limitations of the mundane, and assumes all three after creation. Nanak, the Master assumes myriad forms from the one formless state. These myriads are not separate from Him, He the One is myriad forms still in One.]

(ਗਉੜੀ ਬਾਵਨ ਅਖਰੀ ਮਹਲਾ ੫, ਪੰਨਾ 250)

- vi) ਨਿਰਗੁਨੁ ਆਪਿ ਸਰਗੁਨੁ ਭੀ ਓਹੀ ॥

ਕਲਾ ਧਾਰਿ ਜਿਨਿ ਸਗਲੀ ਮੋਹੀ ॥...

[ਅਰਥ: ਪ੍ਰਭੂ ਨੇ ਆਪਣੀ ਤਾਕਤ ਕਾਇਮ ਕਰ ਕੇ ਸਾਰੇ ਜਗਤ ਨੂੰ ਮੋਹਿਆ ਹੈ, ਉਹ ਆਪ ਮਾਇਆ ਦੇ ਤਿੰਨਾਂ ਗੁਣਾਂ ਤੋਂ ਵੱਖਰਾ ਹੈ, ਤ੍ਰਿਗੁਣੀ ਸੰਸਾਰ ਦਾ ਰੂਪ ਭੀ ਆਪ ਹੀ ਹੈ।]

[Himself the attributeless, He is also God with attributes. Assuming supreme powers He has bewitchingly captivated the creation.]

(ਗਉੜੀ ਸੁਖਮਨੀ ਮ: ੫, ਪੰਨਾ 287)

- vii) ਸਲੋਕੁ ॥ ਸਰਗੁਨ ਨਿਰਗੁਨ ਨਿਰੰਕਾਰ ਸੁੰਨ ਸਮਾਧੀ ਆਪਿ ॥...

[ਅਰਥ: ਨਿਰੰਕਾਰ (ਭਾਵ, ਆਕਾਰ-ਰਹਿਤ ਅਕਾਲ ਪੁਰਖ) ਤ੍ਰਿਗੁਣੀ ਮਾਇਆ ਦਾ ਰੂਪ (ਭਾਵ, ਜਗਤ ਰੂਪ) ਭੀ ਆਪ ਹੈ ਤੇ ਮਾਇਆ ਦੇ ਤਿੰਨਾਂ ਗੁਣਾਂ ਤੋਂ ਪਰੇ ਭੀ ਆਪ ਹੀ ਹੈ, ਅਫੂਰ ਅਵਸਥਾ ਵਿਚ ਟਿਕਿਆ ਹੋਇਆ ਭੀ ਆਪ ਹੀ ਹੈ।]

[Formless, is the world subject to the three conditions of the created as well as one who transcends them. He has established Himself also in the unknowable poise.]

(ਗਉੜੀ ਸੁਖਮਨੀ ਮ: ੫, ਪੰਨਾ 290)

viii) ਆਪਹਿ ਸੂਖਮ ਆਪਹਿ ਅਸਥੂਲਾ ॥

[ਅਰਥ : ਅਣ-ਦਿੱਸਦੇ ਤੇ ਦਿੱਸਦੇ ਸਰੂਪ ਵਾਲਾ ਆਪ ਹੀ ਹੈ।]

[He himself is the unmanifest (unseen) and created (seen) universe.]

(ਗਉੜੀ ਬਾਵਨ ਅਖਰੀ ਮਹਲਾ ੫, ਪੰਨਾ 250)

6. In the first eight or ten words of the scripture, Guru Nanak describes the very fundamental attributes of God. This is his elaboration of the known aspect.

ੴ ਸਤਿ ਨਾਮੁ ਕਰਤਾ ਪੁਰਖੁ ਨਿਰਭਉ ਨਿਰਵੈਰੁ

ਅਕਾਲ ਮੂਰਤਿ ਅਜੂਨੀ ਸੈਭੰ ਗੁਰ ਪ੍ਰਸਾਦਿ ॥

[By the grace of the True Dispeller of Ignorance (Akal, Satguru, know): that 'the eternally All Pervasive, ever-uncompromised Unity, the Deathless Entity, the Creator Being whose existence is His name, is fearless, is devoid of enmity, is ever unborn and is self-existent.]

(ਪੰਨਾ 1)

7. Though his God is essentially formless, the Guru sometimes attributes a human form to Him, for the purpose of making matters more commonly understood. This may be taken to be the third fundamental aspect of Ultimate Reality revealed by the Guru.

8. In this he is at one with the Semitic as well as Indic religions in which anthropomorphic representation of God is relied upon.

9. When ascribing a human form to the Ultimate Reality, the Guru describes it invariably as one with full length hair.

i) ਤੇਰੇ ਬੰਕੇ ਲੋਇਣ ਦੰਤ ਰੀਸਾਲਾ ॥

ਸੋਹਣੇ ਨਕ ਜਿਨ ਲੰਮੜੇ ਵਾਲਾ ॥

ਕੰਚਨ ਕਾਇਆ ਸੁਇਨੇ ਕੀ ਢਾਲਾ ॥...

[ਅਰਥ : (ਹੇ ਸਰਬ-ਵਿਆਪਕ ਸਿਰਜਣਹਾਰ! ਜਗਤ ਦੀ ਸਾਰੀ ਸੁੰਦਰਤਾ ਤੂੰ ਹੀ ਆਪਣੇ ਸਰੂਪ ਤੋਂ ਰਚੀ ਹੈ। ਤੂੰ ਉਹ ਉਹ ਇਸ਼ਤੀ ਮਰਦ ਪੈਦਾ ਕੀਤੇ ਹਨ ਜਿਨ੍ਹਾਂ ਦੇ ਨੈਣ, ਦੰਦ, ਨੱਕ, ਕੇਸ ਆਦਿਕ ਸਾਰੇ ਹੀ ਅੰਗ ਮਹਾਨ ਸੁੰਦਰ ਹਨ। ਉਹਨਾਂ ਵਿਚ, ਹੇ ਪ੍ਰਭੂ! ਤੂੰ ਆਪ ਹੀ ਬੈਠਾ ਜੀਵਨ-ਜੋਤਿ ਜਗਾ ਰਿਹਾ ਹੈਂ। ਸੋ, ਹੇ ਪ੍ਰਭੂ! ਤੇਰੇ ਨੈਣ ਬਾਕੇ ਹਨ, ਤੇਰੇ ਦੰਦ ਸੋਹਣੇ ਹਨ, ਤੇਰਾ ਨੱਕ ਸੋਹਣਾ ਹੈ, ਤੇਰੇ ਸੋਹਣੇ ਲੰਮੇ ਕੇਸ ਹਨ (ਜਿਨ੍ਹਾਂ ਦੇ ਸੋਹਣੇ ਨੱਕ ਹਨ, ਜਿਨ੍ਹਾਂ ਦੇ ਸੋਹਣੇ ਲੰਮੇ

ਕੇਸ ਹਨ; ਇਹ ਭੀ, ਹੇ ਪ੍ਰਭੂ! ਤੇਰੇ ਹੀ ਨੱਕ ਤੇਰੇ ਹੀ ਕੇਸ ਹਨ। ਹੇ ਪ੍ਰਭੂ! ਤੇਰਾ ਸਰੀਰ ਸੋਨੇ ਵਰਗਾ ਸੁੱਧ ਅਰੋਗ ਹੈ ਤੇ ਸੁਫਲ ਹੈ, ਮਾਨੋ, ਸੋਨੇ ਵਿਚ ਹੀ ਢਲਿਆ ਹੋਇਆ ਹੈ। ਹੇ ਸਹੇਲੀਹੋ! (ਹੇ ਸਤਸੰਗੀ ਸੱਜਣੋ! ਤੁਸੀਂ ਉਸ ਪਰਮਾਤਮਾ (ਦੇ ਨਾਮ) ਦੀ ਮਾਲਾ ਜਪੋ (ਉਸ ਪਰਮਾਤਮਾ ਦਾ ਨਾਮ ਮੁੜ ਮੁੜ ਜਪੋ) ਜਿਸ ਦਾ ਸਰੀਰ ਅਰੋਗ ਤੇ ਸੁਫਲ ਹੈ, ਮਾਨੋ, ਸੋਨੇ ਵਿਚ ਢਲਿਆ ਹੋਇਆ ਹੈ।]

[You have shaped the beautiful mould out of yourself. You have created women and men whose eyes, teeth, nose are well formed—very beautiful. Sitting within them Master, you are lighting the life's lamp. My Master your eyes are handsome, your teeth are beautiful, your nose is becoming and your full length hairs are wonderful. God! Your body is poised and healthy as if it were moulded in gold.]

(ਵਡਹੰਸ ਮਹਲਾ ੧, ਪੰਨਾ 567)

- ii) ਸਗਲ ਪਦਾਰਥ ਅਸਟ ਸਿਧਿ ਨਾਮ ਮਹਾ ਰਸ ਮਾਹਿ॥

ਸੁਪ੍ਰਸੰਨ ਭਏ ਕੇਸਵਾ ਸੇ ਜਨ ਹਰਿ ਗੁਣ ਗਾਹਿ॥੪॥...

[ਅਰਥ: ਹੇ ਭਾਈ! ਦੁਨੀਆ ਦੇ ਸਾਰੇ ਪਦਾਰਥ (ਜੋਗੀਆਂ ਦੀਆਂ) ਅੱਠੇ ਸਿੱਧੀਆਂ ਸਭ ਤੋਂ ਸ਼੍ਰੇਸ਼ਟ ਰਸ ਨਾਮ-ਰਸ ਵਿਚ ਮੌਜੂਦ ਹਨ। (ਹੇ ਭਾਈ!) ਜਿਨ੍ਹਾਂ ਉੱਤੇ ਸੋਹਣੇ ਲੰਮੇ ਕੇਸਾਂ ਵਾਲਾ ਪ੍ਰਭੂ ਪ੍ਰਸੰਨ ਹੁੰਦਾ ਹੈ, ਉਹ ਬੰਦੇ ਪ੍ਰਭੂ ਦੇ ਗੁਣ ਗਾਂਦੇ ਰਹਿੰਦੇ ਹਨ।੪।]

[All that is valuable in the world, the eight miraculous powers of the Jogis are present in the wonderful taste of Your Name. He with whom the one with beautiful long hair is pleased, they live singing God's praises.]

(ਰਾਗੁ ਗਉੜੀ ਬੈਰਾਗਣਿ ਮਹਲਾ ੫, ਪੰਨਾ 203)

- iii) ਚਰਣ ਸਰਣ ਦਇਆਲ ਕੇਸਵ ਤਾਰਿ ਜਗ ਭਵ ਸਿੰਧ॥੧॥ਰਹਾਉ॥

[ਅਰਥ: ਹੇ ਹਰੀ! ਹੇ ਗੋਪਾਲ! ਹੇ ਗੁਰ ਗੋਬਿੰਦ! ਹੇ ਦਇਆਲ! ਹੇ ਕੇਸਵ! ਆਪਣੇ ਚਰਨਾਂ ਦੀ ਸਰਨ ਵਿਚ ਰੱਖ ਕੇ ਮੈਨੂੰ ਇਸ ਸੰਸਾਰ-ਸਮੁੰਦਰ ਤੋਂ ਪਾਰ ਲੰਘਾ ਲੈ।੧।ਰਹਾਉ।]

[God, Sustainer, Master of Creation, Compassionate, One with full length hair help me cross over the ocean of existence by keeping me safe in Your protection.]

(ਗੁਜਰੀ ਮਹਲਾ ੫, ਪੰਨਾ 508)

- iv) ਸਰਨਿ ਦੁਖ ਭੰਜਨ ਪੁਰਖ ਨਿਰੰਜਨ ਸਾਧੂ ਸੰਗਤਿ ਰਵਣੁ ਜੈਸੇ॥

ਕੇਸਵ ਕਲੇਸ ਨਾਸ ਅਘ ਖੰਡਨ ਨਾਨਕ ਜੀਵਤ ਦਰਸ ਦਿਸੇ॥੨॥੯॥੧੨੫॥

[ਅਰਥ: ਹੇ ਨਾਨਕ! (ਆਖ-) ਹੇ ਦੁੱਖਾਂ ਦੇ ਨਾਸ ਕਰਨ ਵਾਲੇ! ਹੇ ਸਰਬ ਵਿਆਪਕ! ਹੇ ਮਾਇਆ ਦੇ ਪ੍ਰਭਾਵ ਤੋਂ ਪਰੇ ਰਹਿਣ ਵਾਲੇ! (ਮੋਹਰ ਕਰ, ਤਾ ਕਿ) ਜਿਵੇਂ ਭੀ ਹੋ ਸਕੇ (ਤੇਰਾ ਦਾਸ) ਸਾਧ ਸੰਗਤ ਵਿਚ (ਟਿਕ ਕੇ ਤੇਰਾ) ਸਿਮਰਨ

ਕਰਦਾ ਰਹੇ। ਹੇ ਕੇਸਵ! ਹੇ ਕਲੇਸ਼ਾਂ ਦੇ ਨਾਸ਼ ਕਰਨ ਵਾਲੇ! ਹੇ ਪਾਪਾਂ ਦੇ ਨਾਸ਼ ਕਰਨ ਵਾਲੇ! (ਤੇਰਾ ਦਾਸ) ਨਾਨਕ ਤੇਰਾ ਦਰਸਨ ਕਰ ਕੇ ਹੀ ਆਤਮਕ ਜੀਵਨ ਹਾਸਲ ਕਰਦਾ ਹੈ। [੨।੯।੧੨੫।]

[All pervasive destroyer of discomfort who is far removed from the influence of the mundane! Bless me that I remaining steadfast along with the congregation, I may ever live in Your remembrance. One with beautiful long (full length) hair! rid me of sins, Nanak says, I live hoping to catch glimpse of You.]

(ਬਿਲਾਵਲੁ ਮਹਲਾ ੫, ਪੰਨਾ 829)

v) ਅਧਰੰ ਧਰੰ ਧਾਰਣਹ ਨਿਰਧਨੰ ਧਨ ਨਾਮ ਨਰਹਰਹ ॥

ਅਨਾਥ ਨਾਥ ਗੋਬਿੰਦਹ ਬਲਹੀਣ ਬਲ ਕੇਸਵਹ ॥

[ਅਰਥ: ਪਰਮਾਤਮਾ ਦਾ ਨਾਮ ਨਿਆਸਰਿਆਂ ਨੂੰ ਆਸਰਾ ਦੇਣ ਵਾਲਾ ਹੈ, ਅਤੇ ਧਨ-ਹੀਣਾਂ ਦਾ ਧਨ ਹੈ। ਗੋਬਿੰਦ ਅਨਾਥਾਂ ਦਾ ਨਾਥ ਹੈ ਤੇ ਕੇਸਵ-ਪ੍ਰਭੂ ਨਿਤਾਣਿਆਂ ਦਾ ਤਾਣ ਹੈ।]

[God's name is the support of those who have none. It is the wealth of paupers. Master, sustainer of the abandoned. The long haired Master is the strength of the helpless.]

(ਸਲੋਕ ਸਹਸਕ੍ਰਿਤੀ ਮਹਲਾ ੫, ਪੰਨਾ 1355)

10. To him, God looks resplendent and gorgeous, the epitome of beauty; (in Platonic sense) the Idea and the measure of handsomeness.

11. He further believes that God created the earth as a place for the practice of spirituality.

ਰਾਤੀ ਰੁਤੀ ਥਿਤੀ ਵਾਰ ॥

ਪਵਣ ਪਾਣੀ ਅਗਨੀ ਪਾਤਾਲ ॥

ਤਿਸੁ ਵਿਚਿ ਧਰਤੀ ਥਾਪਿ ਰਖੀ ਧਰਮ ਸਾਲ ॥

ਤਿਸੁ ਵਿਚਿ ਜੀਅ ਜੁਗਤਿ ਕੇ ਰੰਗ ॥

ਤਿਨ ਕੇ ਨਾਮ ਅਨੇਕ ਅਨੰਤ ॥

[ਅਰਥ: ਰਾਤਾਂ, ਰੁੱਤਾਂ, ਥਿਤਾਂ ਅਤੇ ਵਾਰ, ਹਵਾ, ਪਾਣੀ, ਅੱਗ ਅਤੇ ਪਾਤਾਲ-ਇਹਨਾਂ ਸਾਰਿਆਂ ਦੇ ਇਕੱਠ ਵਿਚ (ਅਕਾਲ ਪੁਰਖ ਨੇ) ਧਰਤੀ ਨੂੰ ਧਰਮ ਕਮਾਣ ਦਾ ਅਸਥਾਨ ਬਣਾ ਕੇ ਟਿਕਾ ਦਿੱਤਾ ਹੈ। ਇਸ ਧਰਤੀ ਉੱਤੇ ਕਈ ਜੁਗਤੀਆਂ ਅਤੇ ਰੰਗਾਂ ਦੇ ਜੀਵ (ਵੱਸਦੇ ਹਨ), ਜਿਨ੍ਹਾਂ ਦੇ ਅਨੇਕਾਂ ਤੇ ਅਨਗਿਣਤ ਹੀ ਨਾਮ ਹਨ।]

[In the midst of seasons, nights, solar and lunar dates, air, water, fire and netherworlds, He has created the earth for practising spirituality. Upon the earth live many species of



different varieties and distinct origins. They have myriad identifications.]

(ਜਪੁ, ਪੰਨਾ 7)

12. He created it as a game for self amusement.

- i) ਬੈਬੈ ਬਾਜੀ ਖੇਲਣ ਲਾਗਾ ਚਉਪੜਿ ਕੀਤੇ ਚਾਰਿ ਜੁਗਾ ॥  
ਜੀਅ ਜੰਤ ਸਭ ਸਾਰੀ ਕੀਤੇ ਪਾਸਾ ਢਾਲਣਿ ਆਪਿ ਲਗਾ ॥੨੬॥  
[ਅਰਥ: ਪਰਮਾਤਮਾ ਆਪ (ਚੌਪੜ ਦੀ) ਖੇਡ ਖੇਡ ਰਿਹਾ ਹੈ, ਚਾਰ ਜੁਗਾਂ ਨੂੰ ਉਸ ਨੇ (ਚੌਪੜ ਦੇ) ਚਾਰ ਪੱਲੇ ਬਣਾਇਆ ਹੈ, ਸਾਰੇ ਜੀਵ ਜੰਤੂ ਨਰਦਾਂ ਬਣਾਈਆਂ ਹੋਈਆਂ ਹਨ, ਪ੍ਰਭੂ ਆਪ ਪਾਸੇ ਸੁੱਟਦਾ ਹੈ (ਕਈ ਨਰਦਾਂ ਪੁੱਗਦੀਆਂ ਜਾਂਦੀਆਂ ਹਨ, ਕਈ ਉਹਨਾਂ ਚੌਰਾਂ ਖਾਨਿਆਂ ਦੇ ਗੋੜ ਵਿਚ ਹੀ ਪਈਆਂ ਰਹਿੰਦੀਆਂ ਹਨ।]  
[God is playing the dice game and has spread the cloth with four sets of squares representing the four cosmic ages of the earth. All the living beings are his pawns and God Himself is the dice thrower.]

(ਗੁਰੂ ਆਸਾ ਮਹਲਾ ੧ ਪਟੀ ਲਿਖੀ, ਪੰਨਾ 433-34)

- ii) ਨਾਨਕ ਕਿਸ ਨੋ ਬਾਬਾ ਰੋਈਐ ਬਾਜੀ ਹੈ ਇਹੁ ਸੰਸਾਰੋ ॥੪॥੨॥  
[ਅਰਥ: ਹੇ ਨਾਨਕ! (ਆਖ-) ਹੇ ਭਾਈ! ਇਹ ਜਗਤ ਇਕ ਖੇਡ ਹੈ (ਇਥੇ ਜੋ ਘੜਿਆ ਹੈ ਉਸ ਨੇ ਭੱਜਣਾ ਹੈ) ਕਿਸੇ ਦੇ ਮਰਨ ਤੇ ਰੋਣਾ ਵਿਅਰਥ ਹੈ ॥੪॥੨॥]  
[Nanak, this world is a game. It is futile to lament the dead.]

(ਵਡਹੰਸ ਮਹਲਾ ੧, ਪੰਨਾ 580)

13. Since God created everyone from himself, individuals have an acute internal longing to unite with Him again.

ਰੇ ਮਨ ਐਸੀ ਹਰਿ ਸਿਉ ਪ੍ਰੀਤਿ ਕਰਿ ਜੈਸੀ ਜਲ ਕਮਲੇਹਿ ॥  
ਲਹਰੀ ਨਾਲਿ ਪਛਾੜੀਐ ਭੀ ਵਿਗਸੈ ਅਸਨੇਹਿ ॥  
ਜਲ ਮਹਿ ਜੀਅ ਉਪਾਇ ਕੈ ਬਿਨੁ ਜਲ ਮਰਣੁ ਤਿਨੇਹਿ ॥੧॥  
ਮਨ ਰੇ ਕਿਉ ਛੂਟਹਿ ਬਿਨੁ ਪਿਆਰ ॥  
ਗੁਰਮੁਖਿ ਅੰਤਰਿ ਰਵਿ ਰਹਿਆ ਬਖਸੇ ਭਗਤਿ ਭੰਡਾਰ ॥੧॥ਰਹਾਉ॥  
ਰੇ ਮਨ ਐਸੀ ਹਰਿ ਸਿਉ ਪ੍ਰੀਤਿ ਕਰਿ ਜੈਸੀ ਮਛਲੀ ਨੀਰ ॥  
ਜਿਉ ਅਧਿਕਉ ਤਿਉ ਸੁਖ ਘਣੈ ਮਨਿ ਤਨਿ ਸਾਂਤਿ ਸਰੀਰ ॥  
ਬਿਨੁ ਜਲ ਘੜੀ ਨ ਜੀਵਈ ਪ੍ਰਭੂ ਜਾਣੈ ਅਭ ਪੀਰ ॥੨॥  
ਰੇ ਮਨ ਐਸੀ ਹਰਿ ਸਿਉ ਪ੍ਰੀਤਿ ਕਰਿ ਜੈਸੀ ਚਾੜ੍ਹਕ ਮੇਹ ॥  
ਸਰ ਭਰਿ ਥਲ ਹਰੀਆਵਲੇ ਇਕ ਬੂੰਦ ਨ ਪਵਈ ਕੇਹ ॥  
ਕਰਮਿ ਮਿਲੈ ਸੋ ਪਾਈਐ ਕਿਰਤੁ ਪਇਆ ਸਿਰਿ ਦੇਹ ॥੩॥  
ਰੇ ਮਨ ਐਸੀ ਹਰਿ ਸਿਉ ਪ੍ਰੀਤਿ ਕਰਿ ਜੈਸੀ ਜਲ ਦੁਧ ਹੋਇ ॥  
ਆਵਟਣੁ ਆਪੇ ਖਵੈ ਦੁਧ ਕਉ ਖਪਣਿ ਨ ਦੇਇ ॥  
ਆਪੇ ਮੇਲਿ ਵਿਛੁੰਨਿਆ ਸਚਿ ਵਡਿਆਈ ਦੇਇ ॥੪॥

ਰੇ ਮਨ ਐਸੀ ਹਰਿ ਸਿਉ ਪ੍ਰੀਤਿ ਕਰਿ ਜੈਸੀ ਚਕਵੀ ਸੂਰ ॥  
 ਖਿਨੁ ਪਲ ਨੀਦ ਨ ਸੋਵਈ ਜਾਣੈ ਦੂਰਿ ਹਜੂਰਿ ॥  
 ਮਨਮੁਖਿ ਸੋਝੀ ਨਾ ਪਵੈ ਗੁਰਮੁਖਿ ਸਦਾ ਹਜੂਰਿ ॥੫॥  
 ਮਨਮੁਖਿ ਗਣਤ ਗਣਾਵਣੀ ਕਰਤਾ ਕਰੇ ਸੁ ਹੋਇ ॥  
 ਤਾ ਕੀ ਕੀਮਤਿ ਨਾ ਪਵੈ ਜੇ ਲੋਚੈ ਸਭੁ ਕੋਇ ॥  
 ਗੁਰਮਤਿ ਹੋਇ ਤ ਪਾਈਐ ਸਚਿ ਮਿਲੈ ਸੁਖੁ ਹੋਇ ॥੬॥  
 ਸਚਾ ਨੇਹੁ ਨ ਤੁਟਈ ਜੇ ਸਤਿਗੁਰੁ ਭੇਟੈ ਸੋਇ ॥  
 ਗਿਆਨ ਪਦਾਰਥੁ ਪਾਈਐ ਤ੍ਰਿਭਵਣ ਸੋਝੀ ਹੋਇ ॥  
 ਨਿਰਮਲੁ ਨਾਮੁ ਨ ਵੀਸਰੈ ਜੇ ਗੁਣ ਕਾ ਗਾਹਕੁ ਹੋਇ ॥੭॥  
 ਖੋਲਿ ਗਏ ਸੇ ਪੰਖਣੂੰ ਜੇ ਚੁਗਦੇ ਸਰ ਤਲਿ ॥  
 ਘੜੀ ਕਿ ਮੁਹਤਿ ਕਿ ਚਲਣਾ ਖੋਲਣੁ ਅਜੁ ਕਿ ਕਲਿ ॥  
 ਜਿਸੁ ਤੂੰ ਮੇਲਹਿ ਸੇ ਮਿਲੈ ਜਾਇ ਸਚਾ ਪਿੜੁ ਮਲਿ ॥੮॥  
 ਬਿਨੁ ਗੁਰ ਪ੍ਰੀਤਿ ਨ ਊਪਜੈ ਹਉਮੈ ਮੈਲੁ ਨ ਜਾਇ ॥  
 ਸੋਹਿ ਆਪੁ ਪਛਾਣੀਐ ਸਬਦਿ ਭੇਦਿ ਪਤੀਆਇ ॥  
 ਗੁਰਮੁਖਿ ਆਪੁ ਪਛਾਣੀਐ ਅਵਰ ਕਿ ਕਰੇ ਕਰਾਇ ॥੯॥  
 ਮਿਲਿਆ ਕਾ ਕਿਆ ਮੇਲੀਐ ਸਬਦਿ ਮਿਲੇ ਪਤੀਆਇ ॥  
 ਮਨਮੁਖਿ ਸੋਝੀ ਨਾ ਪਵੈ ਵੀਛੁੜਿ ਚੋਟਾ ਖਾਇ ॥  
 ਨਾਨਕ ਦਰੁ ਘਰੁ ਏਕੁ ਹੈ ਅਵਰੁ ਨ ਦੂਜੀ ਜਾਇ ॥੧੦॥੧੧॥

(ਸਿਰੀਗਗੁ ਮਹਲਾ ੧, ਪੰਨੇ 59-60)

14. In actuality He does reside within every heart but has erected an imperceptible screen that prevents the realisation of His nearness.

ਧਨ ਪਿਰ ਕਾ ਇਕ ਹੀ ਸੰਗਿ ਵਾਸਾ ਵਿਚਿ ਹਉਮੈ ਭੀਤਿ ਕਰਾਰੀ ॥  
 ਗੁਰਿ ਪੂਰੈ ਹਉਮੈ ਭੀਤਿ ਤੋਰੀ ਜਨ ਨਾਨਕ ਮਿਲੇ ਬਨਵਾਰੀ ॥੪॥੧॥  
 [ਅਰਥ: ਹੇ ਭਾਈ! ਜੀਵ-ਇਸਤ੍ਰੀ ਅਤੇ ਪ੍ਰਭੂ-ਪਤੀ ਦਾ ਇੱਕੋ ਹੀ (ਹਿਰਦੇ-) ਥਾਂ ਵਿਚ ਵਸੇਬਾ ਹੈ, ਪਰ (ਦੋਹਾਂ ਦੇ) ਵਿਚ (ਜੀਵ-ਇਸਤ੍ਰੀ ਦੀ) ਹਉਮੈ ਦੀ ਕਰੜੀ ਕੰਧ (ਬਣੀ ਪਈ) ਹੈ। ਹੇ ਨਾਨਕ! ਪੂਰੇ ਗੁਰੂ ਨੇ ਜਿਨ੍ਹਾਂ ਸੇਵਕਾਂ (ਦੇ ਅੰਦਰੋਂ ਇਹ) ਹਉਮੈ ਦੀ ਕੰਧ ਤੋੜ ਦਿੱਤੀ, ਉਹ ਪਰਮਾਤਮਾ ਨੂੰ ਮਿਲ ਪਏ ॥੪॥੧॥]  
 [Wife (individual) and husband (God) live in the same heart but between them there is a strong wall of egocentricity. Nanak! The seekers, from whose hearts the Guru has demolished the wall, are able to meet God.]

(ਗਗੁ ਮਲਾਰ ਮਹਲਾ ੪ ਘਰੁ ੧ ਚਉਪਦੇ, ਪੰਨਾ 1263)

15. The name of the game He plays is 'hard to get.'

16. To make it possible for individuals to know Him, he has bestowed the Guru upon them and has laid down the laws

facilitating a merger with him. These laws are eternal and can be called Divine Ordinance for the sake of easy understanding.

ਸੇ ਭਗਤ ਹਰਿ ਭਾਵਦੇ ਜੋ ਗੁਰਮੁਖਿ ਭਾਇ ਚਲੰਨਿ ॥

ਆਪੁ ਛੋਡਿ ਸੇਵਾ ਕਰਨਿ ਜੀਵਤ ਮੁਏ ਰਹੰਨਿ ॥੨॥

[ਅਰਥ : (ਹੇ ਭਾਈ ! ) ਪਰਮਾਤਮਾ ਨੂੰ ਉਹ ਭਗਤ ਪਿਆਰੇ ਲੱਗਦੇ ਹਨ, ਜਿਹੜੇ ਗੁਰੂ ਦੀ ਸਰਨ ਪੈ ਕੇ ਗੁਰੂ ਦੇ ਦੱਸੇ ਅਨੁਸਾਰ ਜੀਵਨ ਬਿਤੀਤ ਕਰਦੇ ਹਨ, ਜਿਹੜੇ (ਗੁਰੂ ਦੇ ਹੁਕਮ ਅਨੁਸਾਰ) ਆਪਾ-ਭਾਵ (ਸੁਆਰਥ) ਛੱਡ ਕੇ ਸੇਵਾ-ਭਗਤੀ ਕਰਦੇ ਹਨ ਤੇ ਦੁਨੀਆ ਦਾ ਕਾਰ-ਵਿਹਾਰ ਕਰਦੇ ਹੋਏ ਹੀ ਮਾਇਆ ਦੇ ਮੋਹ ਵਲੋਂ ਅਛੋਹ ਰਹਿੰਦੇ ਹਨ।੨।]

[God loves those devotees who seeking refuge in the Guru, perform deeds in accordance with His instructions. While meditating, serving God and while doing worldly duties remain dead to the lure of the mundane.]

(ਗੁਰੂ ਗਉੜੀ ਬੈਰਾਗਣਿ ਮਹਲਾ ੩, ਪੰਨਾ 233)

17. A person who takes refuge in the Guru and obeys the Ordinances becomes eligible for the final merger with the divine source.

i) ਰਜ ਤਮ ਸਤ ਕਲ ਤੇਰੀ ਛਾਇਆ ॥

ਜਨਮ ਮਰਣ ਹਉਮੈ ਦੁਖੁ ਪਾਇਆ ॥

ਜਿਸ ਨੇ ਕ੍ਰਿਪਾ ਕਰੇ ਹਰਿ ਗੁਰਮੁਖਿ ਗੁਣਿ ਚਉਥੈ ਮੁਕਤਿ ਕਰਾਇਦਾ ॥੧੧॥

[ਅਰਥ : (ਮਾਇਆ ਦੇ ਤਿੰਨ ਗੁਣ) ਰਜੋ ਤਮੋ ਤੇ ਸਤੋ (ਹੇ ਪ੍ਰਭੂ ! ) ਭੇਰੀ ਹੀ ਤਾਕਤ ਦੇ ਆਸਰੇ ਬਣੇ। ਜੀਵਾਂ ਵਾਸਤੇ ਜੰਮਣਾ ਤੇ ਮਰਨਾ ਤੂੰ ਆਪ ਹੀ ਪੈਦਾ ਕੀਤਾ, ਹਉਮੈ ਦਾ ਦੁੱਖ ਭੀ ਤੂੰ ਆਪ ਹੀ (ਜੀਵਾਂ ਦੇ ਅੰਦਰ) ਪਾ ਦਿੱਤਾ ਹੈ। ਪਰਮਾਤਮਾ ਜਿਸ ਜੀਵ ਉਤੇ ਮਿਹਰ ਕਰਦਾ ਹੈ, ਉਸ ਨੂੰ ਗੁਰੂ ਦੀ ਸਰਨ ਪਾ ਕੇ (ਤਿੰਨਾਂ ਗੁਣਾਂ ਤੋਂ ਉਤਾਂਹ) ਚੌਥੀ ਅਵਸਥਾ ਵਿਚ ਅਪੜਾਂਦਾ ਹੈ ਤੇ (ਮਾਇਆ ਦੇ ਮੋਹ ਤੋਂ) ਮੁਕਤੀ ਦੇਂਦਾ ਹੈ।੧੧।]

[The three qualities lethargy, energy and intelligence come into existence on your strength. These lead people into birth, death and suffering. The being upon whom God is merciful, He puts him under Guru's protection and leads him to transcend the three qualities and attain fourth state leading to liberation.]

(ਮਾਰੂ ਮਹਲਾ ੧, ਪੰਨਾ 1038)

ii) ਤੈ ਗੁਣ ਮਾਇਆ ਮੋਹੁ ਹੈ ਗੁਰਮੁਖਿ ਚਉਥਾ ਪਦੁ ਪਾਇ ॥

ਕਰਿ ਕਿਰਪਾ ਮੇਲਾਇਅਨੁ ਹਰਿ ਨਾਮੁ ਵਸਿਆ ਮਨਿ ਆਇ ॥੨॥

[ਅਰਥ : (ਜਗਤ ਵਿਚ) ਤ੍ਰਿਗੁਣੀ ਮਾਇਆ ਦਾ ਮੋਹ (ਪਸਰ ਰਿਹਾ) ਹੈ ਜਿਹੜਾ ਮਨੁੱਖ ਗੁਰੂ ਦੇ ਸਨਮੁਖ ਰਹਿੰਦਾ ਹੈ ਉਹ ਉਸ ਆਤਮਿਕ ਦਰਜੇ ਨੂੰ ਹਾਸਲ ਕਰ ਲੈਂਦਾ ਹੈ ਜਿਥੇ ਮਾਇਆ ਦੇ ਤਿੰਨ ਗੁਣਾਂ ਦਾ ਜ਼ੋਰ ਨਹੀਂ ਪੈ ਸਕਦਾ।]

[The triple snare of the excessive attachment of the seen world is widespread. A person who remains under the Guru's influence, transcends this state and attains to the Fourth state unaffected by the triple snare.]

(ਸਿਰੀਰਾਗੁ ਮਹਲਾ ੩, ਪੰਨਾ 30)

- iii) ਮਨ ਮੇਰੇ ਹਰਿ ਰਸੁ ਚਾਖੁ ਤਿਖ ਜਾਇ॥

ਜਿਨੀ ਗੁਰਮੁਖਿ ਚਾਖਿਆ ਸਹਜੇ ਰਹੇ ਸਮਾਇ॥੧॥ਰਹਾਉ॥

[ਅਰਥ : ਹੇ ਮੇਰੇ ਮਨ! ਪਰਮਾਤਮਾ (ਦੇ ਨਾਮ) ਦਾ ਸੁਆਦ ਚੱਖ, (ਤੇਰੀ ਮਾਇਆ ਵਾਲੀ) ਤ੍ਰਿਸ਼ਨਾ ਦੂਰ ਹੋ ਜਾਏਗੀ। ਜਿਨ੍ਹਾਂ ਬੰਦਿਆਂ ਨੇ ਗੁਰੂ ਦੀ ਸ਼ਰਨ ਪੈ ਕੇ 'ਹਰਿ ਰਸ' ਚੱਖਿਆ, ਉਹ ਆਤਮਿਕ ਅਡੋਲਤਾ ਵਿਚ ਟਿਕੇ ਰਹਿੰਦੇ ਹਨ।੧॥ਰਹਾਉ॥]

[O my mind! relish God's name and all your longings will vanish. Those, who accepted refuge in the Guru tasted of God, they remain positioned in the happy state of spiritual equipoise.]

(ਸਿਰੀਰਾਗੁ ਮਹਲਾ ੩, ਪੰਨਾ 26)

- iv) ਗੁਰਮੁਖਿ ਮਰੈ ਨ ਕਾਲੁ ਨ ਖਾਏ ਗੁਰਮੁਖਿ ਸਚਿ ਸਮਾਵਣਿਆ॥੨॥

[ਅਰਥ : ਗੁਰੂ ਦੇ ਸਨਮੁਖ ਰਹਿਣ ਵਾਲਾ ਮਨੁੱਖ ਆਤਮਿਕ ਮੌਤ ਤੋਂ ਬਚਿਆ ਰਹਿੰਦਾ ਹੈ। ਆਤਮਿਕ ਮੌਤ ਉਸ ਉੱਤੇ ਜ਼ੋਰ ਨਹੀਂ ਪਾ ਸਕਦੀ, ਉਹ ਸਦਾ-ਬਿਰ ਪ੍ਰਭੂ (ਦੀ ਯਾਦ) ਵਿਚ ਲੀਨ ਰਹਿੰਦਾ ਹੈ।੨॥]

[A Guru-oriented person does not die. He is not eaten up by death. A Guru-oriented one merges into the Ever-Existent.]

ਗੁਰਮੁਖਿ ਹਰਿ ਦਰਿ ਸੋਭਾ ਪਾਏ॥ ਗੁਰਮੁਖਿ ਵਿਚਹੁ ਆਪੁ ਗਵਾਏ॥...

[ਅਰਥ : ਗੁਰੂ ਦੇ ਆਸਰੇ ਪਰਨੇ ਰਹਿਣ ਵਾਲਾ ਮਨੁੱਖ ਪਰਮਾਤਮਾ ਦੇ ਦਰ ਤੇ ਸੋਭਾ ਖੱਟਦਾ ਹੈ, ਉਹ ਆਪਣੇ ਅੰਦਰੋਂ ਆਪਾ-ਭਾਵ ਦੂਰ ਕਰੀ ਰੱਖਦਾ ਹੈ।]

[A person who surrenders to the Guru, earns respectability at God's door and permanently banishes the ego from within himself.]

ਗੁਰਮੁਖਿ ਮਨੁ ਨਿਰਮਲੁ ਫਿਰਿ ਮੈਲੁ ਨ ਲਾਗੈ,

ਗੁਰਮੁਖਿ ਸਹਜਿ ਸਮਾਵਣਿਆ॥੩॥

[ਅਰਥ : ਗੁਰੂ ਦੇ ਸਨਮੁਖ ਰਹਿਣ ਵਾਲੇ ਮਨੁੱਖ ਦਾ ਮਨ ਹਉਮੈ ਦੀ ਮੈਲ ਤੋਂ ਸਾਫ਼ ਰਹਿੰਦਾ ਹੈ, (ਗੁਰੂ ਦਾ ਆਸਰਾ ਲੈਣ ਕਰਕੇ ਉਸ ਨੂੰ) ਫਿਰ (ਹਉਮੈ ਦੀ) ਮੈਲ ਨਹੀਂ ਚੰਬੜਦੀ, ਉਹ ਆਤਮਿਕ ਅਡੋਲਤਾ ਵਿਚ ਲੀਨ ਰਹਿੰਦਾ।੩॥]

[A mind of the Guru-oriented becomes pure, is not soiled again, such a person is absorbed into equipoise.]

(ਮਾਝ ਮਹਲਾ ੩, ਪੰਨਾ 125)

18. The Divine Ordinance requires that God's immanent aspects must be very precisely imitated while meditating upon the transcendental aspect.

i) ਏ ਮਨ ਜੈਸਾ ਸੇਵਹਿ ਤੈਸਾ ਹੋਵਹਿ ਤੇਹੇ ਕਰਮ ਕਮਾਇ ॥

[ਅਰਥ: ਹੇ (ਮੇਰੇ) ਮਨ! ਤੂੰ ਜਿਹੋ ਜਿਹੇ ਦੀ ਸੇਵਾ-ਭਗਤੀ ਕਰੇਂਗਾ, ਉਹੋ ਜਿਹੇ ਕਰਮ ਕਮਾ ਕੇ ਉਹੋ ਬਣ ਜਾਇਗਾ।]

[You do deeds and become exactly like the God you worship.]

(ਗੁਰੂ ਸੂਹੀ ਮਹਲਾ ੩, ਪੰਨਾ 755)

ii) ਜੈ ਸਿਉ ਰਾਤਾ ਤੈਸੇ ਹੋਵੈ ॥...

[ਅਰਥ: ਉਹ ਮਨੁੱਖ ਉਹੋ ਜਿਹਾ ਹੀ ਬਣ ਜਾਂਦਾ ਹੈ ਜਿਹੋ ਜਿਹੇ ਪ੍ਰਭੂ ਨਾਲ ਉਹ ਪਿਆਰ ਪਾਂਦਾ ਹੈ।]

[A human being develops to become like the God he loves.]

(ਗੁਰੂ ਆਸਾ ਮਹਲਾ ੧ ਅਸਟਪਦੀਆ, ਪੰਨਾ 411)

iii) ਭੁਖਿਆ ਭੁਖ ਨ ਉਤਰੈ ਗਲੀ ਭੁਖ ਨ ਜਾਇ ॥

ਨਾਨਕ ਭੁਖਾ ਤਾ ਰਜੈ ਜਾ ਗੁਣ ਕਹਿ ਗੁਣੀ ਸਮਾਇ ॥੨॥

[ਅਰਥ: ਹੇ ਨਾਨਕ! ਤ੍ਰਿਸ਼ਨਾ ਦਾ ਮਾਰਿਆ ਮਨੁੱਖ ਤਦੋਂ ਹੀ ਤ੍ਰਿਪਤ ਹੋ ਸਕਦਾ ਹੈ, ਜੇ ਗੁਣਾਂ ਦੇ ਮਾਲਕ ਪਰਮਾਤਮਾ ਦੇ ਗੁਣ ਉਚਾਰ ਕੇ ਉਸ ਵਿਚ ਲੀਨ ਹੋ ਜਾਏ।੨।]

[Intellectual discourse cannot satisfy the longing to meet God. Nanak, intense longing can be satisfied only if, remembering His attributes one merges into God.]

(ਸਲੋਕ ਮਹਲਾ ੨, ਪੰਨਾ 147)

19. Thus he is to be imitated both in the known physical form and that of abstract attributes.

20. It is for this profound purpose that the Guru assumed the form with full length hair and made it mandatory for everyone who would strive for spiritual progress and salvation or *moksha* to imitate God's hirsute form.

21. This constitutes the proof that Guru Nanak did assume the *keshādhārī* form.

22. Those who look for historical evidence to substantiate that the Guru in all his ten human forms was *keshādhārī*, can in addition depend upon the evidence of Bhai Gurdas (1558-1637CE) who was a nephew of the third Guru Amardas, a companion of the 4<sup>th</sup>, 5<sup>th</sup> and the 6<sup>th</sup> Gurus and the person who wrote out the original *Guru Granth*. He had seen four of the Gurus in physical form. Bhai Gurdas wrote a severe condemnation of the Minas (the mean followers of Pirthi Chand, who tried to usurp Guruship). In the 11<sup>th</sup> stanza of his 36<sup>th</sup> *Vār*, in which he describes how closely the pretender gurus imitated the real, he says, 'though weaker in physique, he beautifully maintained moustaches and beard.'

This is the closest we can get to an eyewitness account of the appearance of the first six Gurus.

ਪਉੜੀ ੧੧

ਪਹਿਨੈ ਪੰਜੇ ਕਪੜੇ ਪੁਰਸਾਵਾਂ ਵੇਸੁ ॥

ਮੁਛਾਂ ਦਾੜੀ ਸੋਹਣੀ ਬਹੁ ਦੁਰਬਲ ਵੇਸੁ ॥

ਸੈ ਹਥਿਆਰੀ ਸੂਰਮਾ ਪੰਚੀ ਪਰਵੇਸੁ ॥

ਮਾਹਰੁ ਦੜ ਦੀਬਾਣ ਵਿਚਿ ਜਾਣੈ ਸਭੁ ਦੇਸੁ ॥

ਪੁਰਖੁ ਨ ਗਣਿ ਪੁਰਖਤੁ ਵਿਣੁ ਕਾਮਣਿ ਕਿ ਕਰੇਸੁ ॥

ਵਿਣੁ ਗੁਰ ਗੁਰੁ ਸਦਾਇਦੇ ਕਉਣ ਕਰੈ ਅਦੇਸੁ ॥੧੧॥

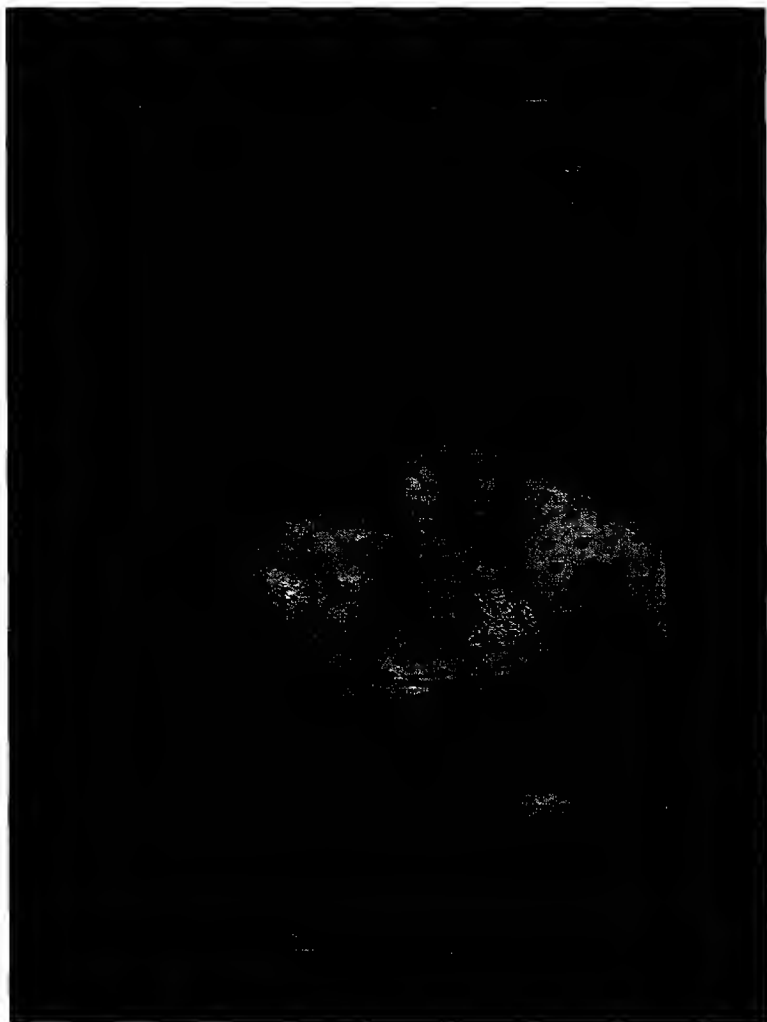
(*Vārāṇ Bhāi Gurdās*, SGPC, Amritsar, *Vār* 36)

[Bhai Gurdas (1558-1637 CE) was a contemporary of the Third, Fourth, Fifth and Sixth Gurus was a close relative of the Third Nanak. It is to be presumed that he was personally familiar with the physical appearance of at least the Third, Fourth, Fifth and the Sixth Gurus.

His 36<sup>th</sup> *Var* is a condemnation of the apostate Minas or followers of the Pirthi Chand who were ex-communicated from mainstream Sikhi for propping up hetrodox line of succession. In this *Var* which consists 21 *Pauris* or stanzas, the subject is misdeeds of Minas. They copied the Gurus in everything they did and appeared, for a period of time to



GURU TEGH BAHADUR (1669 A.D.)  
(Original painting prepared by a painter of Shaista Khan's court at  
Sangat Tola Gurdwara, Dacca)



Ninth Guru's unfinished portrait from the collection of Dr. J.S. Grewal.

According to several art historians it is a contemporary work.

Size 5 x 8.5 inches, water colour and gold.



be more authentic Gurus than the legitimate successors to Guruship.

In Pauri 11, Gurdas describes how they ape the real Guru in physical appearance as well as to mislead the unsuspecting congregation. He says: 'he wears similar five piece dress and assumes the manly bearing. His moustaches and beards are (equally) handsome (though) the body is much feebler'.]

23. The Ninth Guru is known to have executed a stylised self-portrait depicting him in that physical form. The original portrait is now preserved in the Victoria Memorial Museum. A copy of it is reported to exist in the Gurdwara Sangat Tola in Dhaka the capital of Bangladesh. Another contemporary portrait is in the possession of Dr. J. S. Grewal.

24. On the other hand, there is not even an iota of information to suggest that the earlier Gurus did not maintain the orthodox hirsute form that Guru Gobind Singh definitely maintained and prescribed as compulsory in his code of conduct for the Khalsa.

## II

25. There is a well established doctrine of the Sikh faith that all the Guru persons in the ten historical forms are to be regarded as one single Nanak in ten physical forms. In support of this proposition it is possible to adduce historical, scriptural and cultural evidence. A cursory reading of Guru Granth indicates that the first nine Gurus called themselves Nanak and six of them have written their compositions under that name.

Bhai Gurdas supports the proposition that all Gurus were animated by the same light and were indistinguishable from one another as water is from water.

## i) Var 1 (Pauri 45)

ਜਾਰਤਿ ਕਰਿ ਮੁਲਤਾਨ ਦੀ ਫਿਰਿ ਕਰਤਾਰਿ ਪੁਰੇ ਨੋ ਆਇਆ ॥  
 ਚੜ੍ਹੇ ਸਵਾਈ ਦਿਹਿ ਦਿਹੀ ਕਲਿਜੁਗਿ ਨਾਨਕ ਨਾਮੁ ਧਿਆਇਆ ॥  
 ਵਿਣੁ ਨਾਵੈ ਹੋਰੁ ਮੰਗਣਾ ਸਿਰਿ ਦੁਖਾਂ ਦੇ ਦੁਖ ਸਬਾਇਆ ॥  
 ਮਾਰਿਆ ਸਿਕਾ ਜਗਤਿ ਵਿਚਿ ਨਾਨਕ ਨਿਰਮਲ ਪੰਥੁ ਚਲਾਇਆ ॥  
 ਬਾਪਿਆ ਲਹਿਣਾ ਜੀਵਦੇ ਗੁਰਿਆਈ ਸਿਰਿ ਛਤ੍ਰੁ ਫਿਰਾਇਆ ॥  
 ਜੋਤੀ ਜੋਤਿ ਮਿਲਾਇ ਕੈ ਸਤਿਗੁਰ ਨਾਨਕਿ ਰੂਪੁ ਵਟਾਇਆ ॥  
 ਲਖਿ ਨ ਕੋਈ ਸਕਈ ਆਚਰਜੇ ਆਚਰਜੁ ਦਿਖਾਇਆ ॥  
 ਕਾਇਆ ਪਲਟਿ ਸਰੂਪੁ ਬਣਾਇਆ ॥੪੫॥੧॥

[During his life time he installed Angad and passing on the umbrella of Guruship. Guru Nanak merged his light into him and exchanged forms... He converted his body to assume the form (Guru Angad).]

## ii) Var 20 (Pauri 2)

ਗੁਰਮੁਖਿ ਪਾਰਸੁ ਹੋਇ ਪੂਜ ਕਰਾਇਆ ॥  
 ਅਸਟ ਧਾਤੁ ਇਕੁ ਧਾਤੁ ਜੋਤਿ ਜਗਾਇਆ ॥  
 ਬਾਵਨ ਚੰਦਨੁ ਹੋਇ ਬਿਰਖੁ ਬੋਹਾਇਆ ॥  
 ਗੁਰਸਿਖੁ ਸਿਖੁ ਗੁਰ ਹੋਇ ਅਚਰਜੁ ਦਿਖਾਇਆ ॥  
 ਜੋਤੀ ਜੋਤਿ ਜਗਾਇ ਦੀਪੁ ਦੀਪਾਇਆ ॥  
 ਨੀਰੈ ਅੰਦਰਿ ਨੀਰੁ ਮਿਲੈ ਮਿਲਾਇਆ ॥੨॥੨੦॥

[Var 20 Pauri 1—He names the first six Gurus in the first stanza and comments on the succession in the second stanza] Var 20 (Pauri 2) [All the Gurus shared one light] [The Guru transferred (a Sikh Lehna) into a philosopher's stone thus making him worthy of worshipped.... Guru's Sikhs became Gurus the wonder was demonstrated. Light merged into Light, a lamp was lit with a lamp. It was like water being merged with water.]

## iii) Var 13 (Pauri 25)

ਪ੍ਰਾਰਥ੍ਰਮੁ ਪੂਰਣ ਬ੍ਰਹਮੁ ਗੁਰ ਨਾਨਕ ਦੇਉ ॥  
 ਗੁਰ ਅੰਗਦੁ ਗੁਰ ਅੰਗ ਤੇ ਸਚ ਸਬਦ ਸਮੇਉ ॥  
 ਅਮਰਾਪਦੁ ਗੁਰ ਅੰਗਦਹੁ ਅਤਿ ਅਲਖ ਅਭੇਉ ॥  
 ਗੁਰ ਅਮਰਹੁ ਗੁਰ ਰਾਮ ਨਾਮੁ ਗਤਿ ਅਛਲ ਅਛੇਉ ॥  
 ਰਾਮ ਰਸਕ ਅਰਜਨ ਗੁਰੁ ਅਬਿਚਲ ਅਰਧੇਉ ॥  
 ਹਰਿਗੋਵਿੰਦੁ ਗੋਵਿੰਦੁ ਗੁਰੁ ਕਾਰਣ ਕਰਣੇਉ ॥੨੫॥੧੩॥

[Transcendent perfect God was Guru Nanak. Guru Angad arose from Guru Nanak's body after immersing himself in

the True Word. From Guru Angad, Amardas became indistinguishable. From Guru Amardas, Guru Ramdas emerged without a blemish. Guru Ramdas according to ideal Guru practice installed himself in Guru Arjan. From him now Guru Hargobind became the cause of all causes.]

(*Vārāṇ Bhāī Gurdās*, ŚGPC, Amritsar, 1952)

- iv) They have come to believe that when Nanak abandoned his body he entered that of Guru Angad, his close servant. Guru Angad thus means Nanak. Afterwards, Guru Angad similarly descended into Amardas's body; and he in the same way placed himself in Ramdas's body; and Ramdas the same way came on to Guru Arjan. They call each one of them *mahal*, the first *mahal*, being Nanak, the second Angad, and so on, till the fifth *mahal*, which is Guru Arjan. They said, whoever does not regard Guru Arjan as identical with Baba Nanak, is a *marankh*, that is infidel (*kafir*). (Mohsin Fani in *Dabistan-i-Mazahib*)

[J.S. Grewal & Irfan Habib (ed.), *Sikh History from Persian Sources*, Tulika, p. 64]

- v) The tradition says that Govind Singh's death happened on the fifth day of some lunar month. Now, in the *Bahadur Shah-nam*, on the 5<sup>th</sup> Ramzan. 1120 (7<sup>th</sup> November 1708) we find that a report was made to the Emperor "as to the disposal of the movable property left by Guru Govind Nanak. It was of considerable value, and according to rule ought to be confiscated. The Emperor, with the remark that he was not in want of the goods of a *darvesh* ordered the whole to be relinquished to the heirs."

(William Irvine, *Later Mughals*, Oriental Books Reprint Corporation, p. 90)

- vi) ਜੋਤਿ ਰੂਪਿ ਹਰਿ ਆਪਿ ਗੁਰੂ ਨਾਨਕੁ ਕਹਾਯਉ ॥

ਤਾ ਤੇ ਅੰਗਦੁ ਭਯਉ ਤਤ ਸਿਉ ਤਤੁ ਮਿਲਾਯਉ ॥

[ਅਰਥ: ਪ੍ਰਕਾਸ਼-ਰੂਪ ਹਰੀ ਨੇ ਆਪਣੇ ਆਪ ਨੂੰ ਗੁਰੂ ਨਾਨਕ ਅਖਵਾਇਆ। ਉਸ (ਗੁਰੂ ਨਾਨਕ ਦੇਵ ਜੀ) ਤੋਂ (ਗੁਰੂ ਅੰਗਦ ਪ੍ਰਗਟ ਹੋਇਆ), (ਗੁਰੂ ਨਾਨਕ ਦੇਵ ਜੀ ਦੀ) ਜੋਤਿ (ਗੁਰੂ ਅੰਗਦ ਜੀ ਦੀ) ਜੋਤਿ ਨਾਲ ਮਿਲ ਗਈ।]

[God in the form of effulgence, called himself Guru Nanak. Guru Nanak's light merged with that of Guru Angad.]

(ਸਵਈਏ ਮਹਲੇ ਪੰਜਵੇ ਕੇ ੫, ਪੰਨਾ 1408)

- vii) ਅੰਗਦਿ ਕਿਰਪਾ ਧਾਰਿ ਅਮਰੁ ਸਤਿਗੁਰੁ ਥਿਰੁ ਕੀਅਉ ॥  
ਅਮਰਦਾਸਿ ਅਮਰਤੁ ਛਤ੍ਰੁ ਗੁਰ ਰਾਮਹਿ ਦੀਅਉ ॥  
[ਅਰਥ : (ਗੁਰੂ) ਅੰਗਦ (ਦੇਵ ਜੀ) ਨੇ ਕਿਰਪਾ ਕਰ ਕੇ ਅਮਰਦਾਸ ਜੀ ਨੂੰ ਗੁਰੂ  
ਥਾਪਿਆ; (ਗੁਰੂ) ਅਮਰਦਾਸ (ਜੀ) ਨੇ ਆਪਣੇ ਵਾਲਾ ਛੱਤ੍ਰੁ ਗੁਰੂ ਰਾਮਦਾਸ (ਜੀ)  
ਨੂੰ ਦੇ ਦਿੱਤਾ।]  
[Angad very kindly established Amardas as Guru; he in turn  
handed over the umbrella to Guru Ramdas.]  
(ਸਵਈਏ ਮਹਲੇ ਪੰਜਵੇ ਕੇ ੫, ਪੰਨਾ 1408)
- viii) ਗੁਰ ਰਾਮਦਾਸ ਦਰਸਨੁ ਪਰਸਿ ਕਹਿ ਮਭਰਾ ਅੰਮ੍ਰਿਤੁ ਬਯਣ ॥  
ਮੂਰਤਿ ਪੰਚ ਪ੍ਰਮਾਣੁ ਪੁਰਖੁ ਗੁਰੁ ਅਰਜਨੁ ਪਿਖਰੁ ਨਯਣ ॥੧॥  
[ਅਰਥ : ਮਭਰਾ ਆਖਦਾ ਹੈ—‘ਗੁਰੂ ਰਾਮਦਾਸ (ਜੀ) ਦਾ ਦਰਸਨ ਕਰ ਕੇ (ਗੁਰੂ  
ਅਰਜਨ ਦੇਵ ਜੀ ਦੇ) ਬਚਨ ਆਤਮਿਕ ਜੀਵਨ ਦੇਣ ਵਾਲੇ ਹੋ ਗਏ ਹਨ। ਪੰਜਵੇਂ  
ਸਰੂਪ ਅਕਾਲ ਪੁਰਖ ਰੂਪ ਗੁਰੂ ਅਰਜਨ ਦੇਵ ਜੀ ਨੂੰ ਅੱਖਾਂ ਨਾਲ ਵੇਖੋ।੧।]  
[Looking at Guru Ramdas, Guru Arjan's words became the  
source of spiritual life. Lo and behold! Guru Arjan the fifth  
form of Akalpurakh.]  
(ਸਵਈਏ ਮਹਲੇ ਪੰਜਵੇ ਕੇ ੫, ਪੰਨਾ 1408)
- ix) ਪ੍ਰਗਟ ਜੋਤਿ ਜਗਮਗੈ ਤੇਜੁ ਭੂਅ ਮੰਡਲਿ ਛਾਯਉ ॥  
ਪਾਰਸੁ ਪਰਸਿ ਪਰਸੁ ਪਰਸਿ ਗੁਰਿ ਗੁਰੁ ਕਹਾਯਉ ॥  
[ਅਰਥ : (ਆਪ ਦੇ ਅੰਦਰ) ਪ੍ਰਗਟ ਤੌਰ 'ਤੇ (ਹਰੀ ਦੀ) ਜੋਤਿ ਜਗਮਗ ਜਗਮਗ  
ਕਰ ਰਹੀ ਹੈ, (ਆਪ ਦਾ) ਤੇਜ ਧਰਤੀ ਉੱਤੇ ਛਾਇਆ ਹੋਇਆ ਹੈ। ਪਾਰਸ (ਗੁਰੂ)  
ਨੂੰ ਤੇ ਪਰਸਣ-ਜੋਗ (ਗੁਰੂ) ਨੂੰ ਛੁਹ ਕੇ (ਆਪ) ਗੁਰੂ ਤੋਂ ਗੁਰੂ ਅਖਵਾਏ।]  
(ਸਵਈਏ ਮਹਲੇ ਪੰਜਵੇ ਕੇ ੫, ਪੰਨਾ 1408)
- x) ਜੋਤਿ ਓਹਾ ਜੁਗਤਿ ਸਾਇ ਸਹਿ ਕਾਇਆ ਫੇਰਿ ਪਲਟੀਐ ॥...  
[ਅਰਥ : (ਬਾਬਾ ਲਹਣਾ ਜੀ ਦੇ ਅੰਦਰ) ਉਹੀ (ਗੁਰੂ ਨਾਨਕ ਸਾਹਿਬ ਵਾਲੀ)  
ਜੋਤਿ ਸੀ, ਜੀਵਨ ਦਾ ਢੰਗ ਭੀ ਉਹੀ (ਗੁਰੂ ਨਾਨਕ ਸਾਹਿਬ ਵਾਲਾ) ਸੀ, ਗੁਰੂ  
(ਨਾਨਕ ਦੇਵ ਜੀ) ਨੇ (ਕੇਵਲ ਸਰੀਰ ਹੀ) ਮੁੜ ਵਟਾਇਆ ਸੀ।]  
[The light is the same, so also the life style. In fact, Guru  
Nānak has converted his body into that of Angad's.]  
(ਰਾਮਕਲੀ ਕੀ ਵਾਰ ਰਾਇ ਬਲਵੰਤ ਤਥਾ ਸਤੈ ਭੂਮਿ ਆਖੀ, ਪੰਨਾ 966)
- xi) ਨਾਨਕੁ ਤੂ ਲਹਣਾ ਤੂਹੈ ਗੁਰੁ ਅਮਰੁ ਤੂ ਵੀਚਾਰਿਆ ॥...  
[ਅਰਥ : (ਹੇ ਗੁਰੂ ਰਾਮਦਾਸ ਜੀ!) ਤੂੰ ਹੀ ਗੁਰੂ ਨਾਨਕ ਹੈਂ, ਤੂੰ ਹੀ ਬਾਬਾ ਲਹਣਾ  
ਹੈਂ, ਮੈਂ ਤੈਨੂੰ ਹੀ ਗੁਰੂ ਅਮਰਦਾਸ ਸਮਝਿਆ ਹੈ।]  
[Nanak, you are Angad and Guru Amardas.]  
(ਰਾਮਕਲੀ ਕੀ ਵਾਰ ਰਾਇ ਬਲਵੰਤ ਤਥਾ ਸਤੈ ਭੂਮਿ ਆਖੀ, ਪੰਨਾ 968)

26. It is an established fact of history that the tenth Guru

prescribed the maintenance of bodily and facial hair in the original form. In the light of para 25 above, this is to be considered the order of Nanak in all his ten forms.

27. The earliest reliable information on the 10<sup>th</sup> Guru's prescription comes from Sainapat who wrote his *Sri Gursobha* in 1711 CE.

- i) Page 24, Couplet 30

ਹੁੱਕਾ ਨ ਪੀਵੈ ਸੀਸ ਦਾੜੀ ਨ ਮੁੰਡਾਵੈ

ਸੋ ਤੋ ਵਾਹਿਗੁਰੂ ਵਾਹਿਗੁਰੂ ਗੁਰੂ ਜੀ ਕਾ ਖਾਲਸਾ ॥੩੦॥੧੪੬॥

[He who does not smoke the hookah (tobacco) and does not shave off the head hair and the beard, he is God's and Guru's Khalsa.(30)]

- ii) Page 24, Couplet 33

ਖਾਂਡੇ ਕੀ ਪਾਹਿਲ ਦਈ ਕਰਨਹਾਰ ਪ੍ਰਭ ਸੋਇ।

ਕੀਓ ਦਸੋ ਦਿਸ ਵਖਾਲਸਾ ਤਾਂ ਬਿਨ ਅਵਰ ਨ ਕੋਇ ॥੩੩॥੧੪੯॥

[The great creator administered the *pahul* (sacrament) of the double-edged sword. In all ten directions he brought Khalsa into existence and without the Khalsa patronized none else.(33)]

- iii) Page 33, [This happened at Delhi] Couplet 5

ਕਰਿ ਪਾਹਲ ਸਬ ਸੰਗਤਿ ਚਾਖੀ।

ਪਾਂਚ ਪਾਂਚ ਸਿਖ ਕੀਏ ਸਾਖੀ।

ਖੜੀ ਬ੍ਰਹਮਣ ਦੁਇ ਰਹੈ ਨਿਰਾਰਾ।... ॥੫॥੨੦੦॥

[*Pahul* was prepared and the entire congregation drank it. Batches of five Sikhs each were made witness (to vows). Khattris and Brahmins stayed aloof....(5)]

- iv) Page 33, Couplet 7

ਕੋਤਕ ਸੁਣ ਬਿਬੇਕ ਕੋ ਸੋਚ ਕੀਓ ਮਨ ਮਾਹਿ।

ਕੁਲਾ ਕਰਮ ਛੁਟੇ ਸਕਲ ਹਮ ਤੇ ਹੋਵਤ ਨਾਹਿ ॥੭॥੨੦੨॥

[Some who heard of it pondered over it. This means abandoning all our rituals, that we can't do.(7)]

- v) Page 33, Couplet 10

ਕੋਤਕ ਸੁਨਿ ਕੈ ਕੁਟੰਬ ਤਿਆਗੇ।

ਜਿਨ ਕੈ ਬਚਨ ਅਮੋਲਕ ਲਾਗੇ।... ॥੧੦॥੨੦੫॥

[Some abandoned their clans, to whom the Guru's word was priceless....(10.205)]

- vi) Page 42, Couplet 5  
 ਤਾ ਪਰ ਭੱਦਰ ਕੀਓ ਨ ਭਾਈ।...॥੫॥੨੬੫॥  
 [Someone died, his brother did not shave his head....(5)]
- vii) Page 43, Couplet 12  
 ਸਬ ਬਜਾਰ ਬੰਦ ਕਰਿ ਦੀਨਾ॥੧੨॥੨੭੨॥  
 [(Some people objected...)] they completely closed down the entire market.(12)]
- viii) Page 44, Couplet 16  
 ਹਾਕਮ ਆਗੇ ਕਰੀ ਪੁਕਾਰਾ।...॥੧੬॥੨੭੬॥  
 [Some people appealed to the ruler.(16)]
- ix) Page 44, Couplet 19  
 ਹਾਟ ਨਾ ਖੋਲਨ ਦੇਹਿੰਗੇ ਹੋਣੀ ਹੋਇ ਸੁ ਹੋਇ॥੧੯॥੨੭੯॥  
 [(Response was...) Happen what may, we will not let shops be opened.(19)]
- x) Page 45, Couplet 25  
 ਆਗੈ ਜਿਨ ਕੈ ਨਾਇਬ ਹੋਤੇ।  
 ਨਾਵ ਮਸੰਦ ਸਗਲ ਥੇ ਜੋਤੇ॥੨੫॥੨੮੫॥  
 [(The Sikhs replied...) Earlier on all the representatives deputizing for the Guru were called *Masands*.(25)]
- xi) Page 45, Couplet 26  
 ਸੋ ਸਤਿਗੁਰੂ ਕੀਏ ਦੁਰਿ ਸਬ ਪਰਮ ਜੋਤਿ ਨਿਜ ਧਾਰਿ।  
 ਸਗਲ ਸਿਖ ਭਏ ਖਾਲਸਾ ਸੁਨੀਐ ਸਾਚ ਬਿਚਾਰ॥੨੬॥੨੮੬॥  
 [The True Guru has removed them and has resumed personal responsibility. All the Sikhs are henceforth the Khalsa. This is the true explanation.(26)]
- xii) Page 46, Couplet 30  
 ਏਕ ਓਰ ਭਯੋ ਖਾਲਸਾ ਏਕ ਓਰ ਸੰਸਾਰ॥੩੦॥੨੯੦॥  
 [(Matters came to such a stage that) on one side was the Khalsa and was opposed by all the world.(30)]
- xiii) Page 46, Couplet 32  
 ਹਾਕਮ ਕੇ ਮਨ ਮੈ ਬਸੀ ਹਾਟੈ ਦਈ ਖੁਲਾਇ॥੩੨॥੨੯੨॥  
 [(Eventually) the ruler was thoroughly convinced and ordered the shops to be opened.(32)]

- xiv) On the Baisakhi of 1699, when there was a large gathering at Anandpur, Guru Gobind Singh proclaimed that henceforth all Sikhs would be his Khalsa. The term Khalsa was used by that time for the Sikhs initiated into the Sikh faith by the Gurus themselves and not by the *masands*. The far-reaching implication of this declaration was that all those who were not directly linked with him were not Sikhs either. This proclamation removed the mediacy of the *masands*. It also meant that the followers of the dissidents were not to be treated as true Sikhs. In fact the Khalsa were instructed not to have connection with the *masands* and their followers (*masandis*); the Khalsa were similarly instructed not to have any connection with the followers of Ram Rai, Dhir Mal and Prithi Chand. Direct link of the Khalsa with the Guru was symbolized by a new baptismal ceremony introduced by Guru Gobind Singh. This was the chastening baptism of the double-edged sword (*khande ki pahul*) which obliged the initiate to keep the hair unshorn, to wear arms and to bear the epithet 'Singh' with their names. Any five Singhs could initiate others to the new order.

(J. S. Grewal, *The New Cambridge History of India—The Sikhs of the Punjab*, Cambridge University Press, p. 77)

28. The Guru also prescribed that the removing or trimming of hair is to be considered a 'serious breach of Sikh discipline.' The injunction is now known as *bajar kuraihit*. It merits immediate, automatic suspension from the voluntary society of the Khalsa. The place where this code of conduct was prescribed is known as Keshgarh or the 'fort of the blessed uncut hair.' This has its own connotation.

### III

29. The Guru's injunction in this regard was taken so seriously that the Mughal administration of the day completely associated long hair and beard with a Sikh. This is an important enemy perception. On September 8, 1710,

the emperor issued an order to all the Hindu soldiers and civil servants to immediately shave off. It was followed by an order of general massacre of the Sikhs on December 10, 1710. It read 'the worshippers of Nanak be killed wherever found' (*Nanak prastan ra har ja kih ba-yaband ba-qatl rasanand*).<sup>1</sup> It is reported in contemporary records that many suffered the indignity but some others committed suicide to save the 'honour of their beards.'

- i) Rattan Singh Bhangu was the grandson of the celebrated martyr Mehtab Singh. His maternal grand father was Sardar Sham Singh of Narli who was sovereign around Delhi before the dissolution of the Mughal Empire. His father, mother and aunt were persecuted and their house was set on fire during persecutions. The following is the translation of the couplets of Rattan Singh Bhangu's, *Prachin Panth Prakash*, Khalsa Samachar, 1962, Ed. Bhai Vir Singh.

He says, Orders were issued that

ਸਿਰ ਪਰ ਹੋਵੈ ਜਿਸ ਕੇ ਕੇਸ।

ਰਹਣ ਨ ਦੇਨੋਂ ਆਪਣੇ ਦੇਸ॥੧੩॥

[All those with long hair on their heads must not be allowed to live my country.] (Couplet 13)...

ਤਾਹੁ ਕੇ ਭੀ ਮਾਰਿਓ ਕੇਸ ਦਿਸੇ ਸਿਰ ਜਾਹਿ॥੧੬॥

[Kill all on whose head you see long hair.](Couplet 16)...

ਕੇਸਨ ਵਾਲਾ ਛਡੋ ਨ ਕੋਈ॥੧੭॥

[Do not spare anyone with long hair.] (Couplet 17)

- ii) Abdul Samad Khan,... now took rigorous steps to destroy their power and to extirpate the race. A royal edict was issued to put all who professed the religion of Nanak to the sword, and a money reward was offered for the head of every Sikh... wherever a Sikh was found he was butchered unmercifully. In order to give full effect to the royal mandate, Mohammadans and Hindus were strictly enjoined to clip their hair short. The Hindus were ordered to shave

1. Ganda Singh [Ed.], *The Punjab Past and Present*, Punjabi University Patiala, October 1984, p. 6.



their heads, and any Hindu found with long beard or hair was immediately slain.

[Syad Muhammad Latif, *History of the Punjab*, (1889), Sang-e-meel Publications, Lahore, 1997, p. 188. (ISBN 969-35-0735-5)]

- iii) The emperor ordered that all the Khattris and Jats in his army, at the Court and in public offices, should shave off their beards. A great many of them thus had to submit to what they considered the disgrace of being shaved and for a few days the barbers were very busy. Some men of name and position committed suicide to save the honour of beards. (S.R. Sharma, *The Crescent in India*, p. 678)

30. It is remarkable that during the period of persecutions lasting for more than half a century, not a single person without hair was identified as a Sikh; none was persecuted.

#### IV

31. So far we have seen that the Will of God as manifested in the eternal ordinance that govern the human form, the physical appearance of God revealed to the Guru, the tradition and the prescription of the Guru, all indicate that the maintenance of facial and body hair was regarded as an integral part of the practise of the Sikh faith. The Sikh perception as well as the understanding of the contemporary historians and administration has been given.

#### V

32. The Tenth Guru established the twin Guruship of the *Guru Granth* and of Guru Khalsa Panth to jointly officiate as eternal Guru of the Sikhs for all times. The commands of the *Guru Granth* on the subject have been discussed. The Guru Khalsa Panth has consciously expressed itself in the *Sikh Rahit Maryada* that it formulated for itself in the first half of the last century.

33. Another expression of the Guru Khalsa Panth surely comes through the congregations of the ordinary practising Sikhs. All over the world, at least twice daily, they pray for the 'gift of uncut hair' and for the maintenance of *keshas* in the natural form as long as life lasts in their bodies.

34. We thus see that the sources of Sikh religious law, God, Guru, *Guru Granth*, the Guru Khalsa Panth and the congregation of practising Sikhs, all prescribe and endorse the maintenance of hair in the natural state as essential for bearing allegiance to the Sikh faith.

- i) ਹੁਕਮੁ ਮੰਨਹਿ ਤਾ ਹਰਿ ਮਿਲੈ ਤਾ ਵਿਚਹੁ ਹਉਮੈ ਜਾਇ॥ਰਹਾਉ॥...  
[ਅਰਥ : ਹੁਕਮ ਮੰਨੇਗਾ, ਤਾਂ ਤੈਨੂੰ ਪਰਮਾਤਮਾ ਮਿਲ ਪਵੇਗਾ, ਤਾਂ ਤੇਰੇ ਅੰਦਰੋਂ ਹਉਮੈ ਦੂਰ ਹੋ ਜਾਵੇਗੀ।॥ਰਹਾਉ॥]

[If you accept the Divine Ordinance, you will obtain God and ego will depart from within you.]

- ii) ਨਾਨਕ ਸਤਗੁਰਿ ਮਿਲਿਐ ਹਉਮੈ ਗਈ ਤਾ ਸਚੁ ਵਸਿਆ ਮਨਿ ਆਇ ॥  
ਸਚੁ ਕਮਾਵੈ ਸਚਿ ਰਹੈ ਸਚੇ ਸੇਵਿ ਸਮਾਇ॥੪੯॥੧੨॥

[ਅਰਥ : ਹੇ ਨਾਨਕ! ਜੇ ਗੁਰੂ ਮਿਲ ਪਏ ਤਾਂ (ਮਨੁੱਖ ਦੇ ਅੰਦਰੋਂ) ਹਉਮੈ ਦੂਰ ਹੋ ਜਾਂਦੀ ਹੈ, ਤਦੋਂ ਸਦਾ-ਬਿਰ ਪ੍ਰਭੂ ਮਨੁੱਖ ਦੇ ਮਨ ਵਿਚ ਆ ਵੱਸਦਾ ਹੈ, ਤਦੋਂ ਮਨੁੱਖ ਸਦਾ-ਬਿਰ ਹਰਿ-ਨਾਮ ਸਿਮਰਨ ਦੀ ਕਮਾਈ ਕਰਦਾ ਹੈ, ਸਦਾ-ਬਿਰ ਹਰਿ-ਨਾਮ ਵਿਚ ਟਿਕਿਆ ਰਹਿੰਦਾ ਹੈ, ਸੇਵਾ-ਭਗਤੀ ਕਰ ਕੇ ਸਦਾ-ਬਿਰ ਹਰੀ ਵਿਚ ਲੀਨ ਹੋ ਜਾਂਦਾ ਹੈ॥੪੯॥]

[Nanak, on meeting the true Guru, you shed ego and the Ever-Extistent comes to reside in the mind. One lives by the truth serving Ever-Existent, is absorbed into the Ever-Existent.]

(ਵਡਹੰਸੁ ਮਹਲਾ ੩, ਪੰਨਾ 560)

- iii) ਭੁਖਿਆ ਭੁਖ ਨ ਉਤਰੈ ਗਲੀ ਭੁਖ ਨ ਜਾਇ ॥

ਨਾਨਕ ਭੁਖਾ ਤਾ ਰਜੈ ਜਾ ਗੁਣ ਕਹਿ ਗੁਣੀ ਸਮਾਇ॥੨॥

[ਅਰਥ : ਸਮਝਾਇਆਂ ਭੀ ਭੁੱਖ ਮਿਟ ਨਹੀਂ ਸਕਦੀ। ਹੇ ਨਾਨਕ! ਤ੍ਰਿਸ਼ਨਾ ਦਾ ਮਾਰਿਆ ਮਨੁੱਖ ਤਦੋਂ ਹੀ ਤ੍ਰਿਪਤ ਹੋ ਸਕਦਾ ਹੈ, ਜੇ ਗੁਣਾਂ ਦੇ ਮਾਲਕ ਪਰਮਾਤਮਾ ਦੇ ਗੁਣ ਉਚਾਰ ਕੇ ਉਸ ਵਿਚ ਲੀਨ ਹੋ ਜਾਏ॥੨॥]

[Hunger of the seeker cannot abate with words. Nanak, the hungry seeker can only be satisfied if while applauding His virtues one merges into the virtuous God.]

(ਵਾਰ ਮਾਝ ਕੀ ਤਥਾ ਸਲੋਕ ਮਹਲਾ ੨, ਪੰਨਾ 147)

## VI

35. Salvation, *mukti* or *nirvana* in the Guru's spiritual system means merging into the Ultimate Reality by consciously and progressively absorbing all its known attributes while imitating God's revealed physical appearance to indicate that the process of spiritual development is going on within the individual.

36. For obtaining the desired results the Guru has prescribed spiritual training, has recommended adoption of mental attitudes, cultural mores, and norms of behaviour that are conducive to limitless spiritual progress.

37. One part of the training to purify the self, requires one to overcome all impediments describable as behaviour governed by *kam*, *krodh*, *lobh*, *moh*, and *ahankar*. Another part is to shed all misconceptions perpetuated by prevalence of *maya*, 'the thin curtain' or 'the great deception.' It finally involves superseding the three banes (*traigun*), or conditions of human existence and obtaining to the fourth state or the stage of equipoise. It is variously described as *amrapad*, *turiaawastha*, *sahijawastha*, *uttampad* or simply as the *chauthapad*. It is a stage of heightened and sharpened human consciousness that allows a person to remain always calm and contented.

ਅਨਹਤ ਸੁੰਨਿ ਰਤੇ ਸੇ ਕੈਸੇ ॥

ਜਿਸ ਤੇ ਉਪਜੇ ਤਿਸ ਹੀ ਜੈਸੇ ॥

[ਅਰਥ : ਅਫੁਰ ਅਵਸਥਾ ਵਿਚ ਜੁੜੇ ਹੋਏ ਬੰਦੇ ਕਿਹੋ ਜਿਹੇ ਹੁੰਦੇ ਹਨ (ਤਾਂ ਇਸ ਦਾ ਉੱਤਰ ਇਹ ਹੈ ਕਿ ਉਫ਼ ਮਨੁੱਖ ਉਸ ਪਰਮਾਤਮਾ ਵਰਗੇ ਹੀ ਹੋ ਜਾਂਦੇ ਹਨ ਜਿਸ ਤੋਂ ਉਹ ਪੈਦਾ ਹੋਏ ਹਨ।)]

[How are they who remain engrossed in eternal nothingness?

They are just like God of whom they are born.]

(ਰਾਮਕਲੀ ਮਹਲਾ ੧ ਸਿਧ ਗੋਸਟਿ, ਪੰਨਾ ੧੪੩)

38. This is not sufficient to confer salvation but qualifies one for the service of God. At this exalted stage one undertakes active service (*sewa*) of God with renewed

vigour, which means the service of creation that essentially inheres in Him.

ਸਰਬ ਜੋਤਿ ਤੇਰੀ ਪਸਰਿ ਰਹੀ ॥

ਜਹ ਜਹ ਦੇਖਾ ਤਹ ਨਰਹਰੀ ॥੧॥

[ਅਰਥ: ਹੇ ਪਰਮਾਤਮਾ! ਸਭ ਜੀਵਾਂ ਵਿਚ ਤੇਰੀ ਜੋਤਿ ਰੁਮਕ ਰਹੀ ਹੈ (ਪਰ ਮੈਨੂੰ ਨਹੀਂ ਦਿੱਸਦੀ ਕਿਉਂਕਿ ਮੈਂ ਮਾਇਆ ਦੇ ਅੰਨ੍ਹੇ ਖੂਹ ਵਿਚ ਡਿੱਗ ਪਿਆ ਹਾਂ। ਮੋਹਰ ਕਰ, ਮੈਨੂੰ ਇਸ ਖੂਹ ਵਿੱਚੋਂ ਕੱਢ ਤਾਂ ਕਿ) ਜਿਧਰ ਜਿਧਰ ਮੈਂ ਵੇਖਾਂ, ਉਧਰ ਉਧਰ (ਮੈਨੂੰ ਤੂੰ ਹੀ ਦਿੱਸੇ)।੧।]

[Everywhere around Your light pervades. Where ever I look, I see God.]

(ਰਾਮਕਲੀ ਮਹਲਾ ੧, ਪੰਨਾ 876)

39. The command of the Guru to such a person at this stage of development is, to serve incessantly, determinedly with all of ones being.

ਜਉ ਤਉ ਪ੍ਰੇਮ ਖੇਲਣ ਕਾ ਚਾਉ ॥

ਸਿਰੁ ਧਰਿ ਤਲੀ ਗਲੀ ਮੇਰੀ ਆਉ ॥

ਇਤੁ ਮਾਰਗਿ ਪੈਰੁ ਧਰੀਜੈ ॥

ਸਿਰੁ ਦੀਜੈ ਕਾਣਿ ਨ ਕੀਜੈ ॥੨੦॥

[ਅਰਥ: ਹੇ ਭਾਈ! ਜੇ ਤੈਨੂੰ (ਪ੍ਰਭੂ-ਪ੍ਰੇਮ ਦੀ) ਖੇਡ ਖੇਡਣ ਦਾ ਸ਼ੌਕ ਹੈ, ਤਾਂ (ਆਪਣਾ) ਸਿਰ ਤਲੀ ਉੱਤੇ ਰੱਖ ਕੇ ਮੇਰੀ ਗਲੀ ਵਿਚ ਆ (ਲੋਕ-ਲਾਜ ਛੱਡ ਕੇ ਹਉਮੈਂ ਦੂਰ ਕਰ ਕੇ ਆ)। (ਪ੍ਰਭੂ-ਪ੍ਰੀਤ ਦੇ) ਇਸ ਰਸਤੇ ਉੱਤੇ (ਤਦੋਂ ਹੀ) ਪੈਰ ਧਰਿਆ ਜਾ ਸਕਦਾ ਹੈ (ਜਦੋਂ) ਸਿਰ ਭੇਟਾ ਕੀਤਾ ਜਾਏ, ਪਰ ਕੋਈ ਝਿਜਕ ਨਾ ਕੀਤੀ ਜਾਏ (ਜਦੋਂ ਬਿਨਾਂ ਕਿਸੇ ਝਿਜਕ ਦੇ ਲੋਕ-ਲਾਜ ਅਤੇ ਹਉਮੈਂ ਛੱਡੀ ਜਾਏ)।੨੦।]

[If you feel very enthusiastic about the game of love, be decisive about risking your life before entering upon the path of spirituality. Step on this pathway only if you have no hesitation to lose even your life.]

(ਸਲੋਕ ਵਾਰਾਂ ਤੇ ਵਧੀਕ, ਮਹਲਾ ੧, ਪੰਨਾ 1412)

A person engaged in this kind of service is the complete man of the Guru's conception. S/he is the *amritdhari* Khalsa operating under a religious vow and strict spiritual discipline to never quit the service of God.

ਸੂਰਾ ਸੋ ਪਹਿਚਾਨੀਐ ਜੁ ਲਰੈ ਦੀਨ ਕੇ ਹੇਤ ॥

ਪੁਰਜਾ ਪੁਰਜਾ ਕਟਿ ਮਰੈ ਕਬਹੂੰ ਨ ਛਾਡੈ ਖੇਤੁ ॥੨੧॥

(ਰਾਗੁ ਮਾਰੂ, ਸਲੋਕ ਕਬੀਰ, ਪੰਨਾ 1105)

40. The dedication has to be that of a highly evolved person almost a perfect being in conformity with the exalted spiritual status s/he represents. If that transpires as recommended, one is considered a *jiwan mukta* (liberated while living).

ਗੁਰਮੁਖਿ ਮਰੈ ਨ ਕਾਲੁ ਨ ਖਾਏ ਗੁਰਮੁਖਿ ਸਚਿ ਸਮਾਵਣਿਆ ॥੨॥...

[ਅਰਥ: ਗੁਰੂ ਦੇ ਸਨਮੁਖ ਰਹਿਣ ਵਾਲਾ ਮਨੁੱਖ ਆਤਮਿਕ ਮੌਤ ਤੋਂ ਬਚਿਆ ਰਹਿੰਦਾ ਹੈ। ਆਤਮਿਕ ਮੌਤ ਉਸ ਉੱਤੇ ਜ਼ੋਰ ਨਹੀਂ ਪਾ ਸਕਦੀ, ਉਹ ਸਦਾ-ਬਿਰ ਪ੍ਰਭੂ (ਦੀ ਯਾਦ) ਵਿਚ ਲੀਨ ਰਹਿੰਦਾ ਹੈ।੨।]

[A Guru-oriented person does not die. He is not eaten up by death. A Guru-oriented one merges into the Ever-Existent.]

ਗੁਰਮੁਖਿ ਹਰਿ ਦਰਿ ਸੋਭਾ ਪਾਏ ॥

ਗੁਰਮੁਖਿ ਵਿਚਹੁ ਆਪੁ ਗਵਾਏ ॥...

[ਅਰਥ: ਗੁਰੂ ਦੇ ਆਸਰੇ ਪਰਨੇ ਰਹਿਣ ਵਾਲਾ ਮਨੁੱਖ ਪਰਮਾਤਮਾ ਦੇ ਦਰ 'ਤੇ ਸੋਭਾ ਖੱਟਦਾ ਹੈ, ਉਹ ਆਪਣੇ ਅੰਦਰੋਂ ਆਪਾ-ਭਾਵ ਦੂਰ ਕਰੀ ਰੱਖਦਾ ਹੈ।]

[A person who surrenders to the Guru, earns respectability at God's door and permanently banishes the ego from within himself.]

ਗੁਰਮੁਖਿ ਮਨੁ ਨਿਰਮਲੁ ਫਿਰਿ ਮੈਲੁ ਨ ਲਾਗੈ

ਗੁਰਮੁਖਿ ਸਹਜਿ ਸਮਾਵਣਿਆ ॥੩॥

[ਅਰਥ: ਗੁਰੂ ਦੇ ਸਨਮੁਖ ਰਹਿਣ ਵਾਲੇ ਮਨੁੱਖ ਦਾ ਮਨ ਹਉਮੈ ਦੀ ਮੈਲ ਤੋਂ ਸਾਫ਼ ਰਹਿੰਦਾ ਹੈ, (ਗੁਰੂ ਦਾ ਆਸਰਾ ਲੈਣ ਕਰਕੇ ਉਸ ਨੂੰ) ਫਿਰ (ਹਉਮੈ ਦੀ) ਮੈਲ ਨਹੀਂ ਚੰਬੜਦੀ, ਉਹ ਆਤਮਿਕ ਅਡੋਲਤਾ ਵਿਚ ਲੀਨ ਰਹਿੰਦਾ ਹੈ।੩।]

[A mind of the Guru-oriented becomes pure, is not soiled again, such a person is absorbed into equipoise.]

(ਮਾਝ ਮਹਲਾ ੩, ਪੰਨਾ 125)

41. The actual liberation comes only after God confers his grace on the individual. This is the supreme achievement and also the supreme reward. It is eternal bliss and pulls one neatly out of the never ending circle of birth, death and suffering.

i) ਇਸੁ ਪਉੜੀ ਤੇ ਜੋ ਨਹੁ ਚੂਕੈ ਸੋ ਆਇ ਜਾਇ ਦੁਖੁ ਪਾਇਦਾ ॥੨॥

[ਅਰਥ: ਪਰ ਜਿਹੜਾ ਮਨੁੱਖ ਇਸ ਪੌੜੀ ਤੋਂ ਖੁੰਝ ਜਾਂਦਾ ਹੈ, ਉਹ ਜਨਮ ਮਰਨ ਦੇ ਗੇੜ ਵਿਚ ਪੈ ਕੇ ਦੁੱਖ ਭੋਗਦਾ ਹੈ।੨।]

[A person who fails to utilize the ladder of human birth, transmigrates endlessly and suffers.]

(ਮਾਰੂ ਸੋਲਹੇ ਮਹਲਾ ੫, ਪੰਨਾ 1075)

- ii) ਰੈਣਿ ਗਵਾਈ ਸੋਇ ਕੈ ਦਿਵਸੁ ਗਵਾਇਆ ਖਾਇ ॥

ਹੀਰੇ ਜੈਸਾ ਜਨਮੁ ਹੈ ਕਉਡੀ ਬਦਲੇ ਜਾਇ ॥

[ਅਰਥ : (ਹੇ ਮੂਰਖ ! ) ਤੂੰ ਰਾਤ ਸੌਂ ਕੇ ਗੁਜ਼ਾਰਦਾ ਜਾ ਰਿਹਾ ਹੈਂ ਤੇ ਦਿਨ ਖਾ ਖਾ ਕੇ ਵਿਅਰਥ ਬਿਤਾਂਦਾ ਜਾਂਦਾ ਹੈਂ, ਤੇਰਾ ਇਹ ਮਨੁੱਖਾ ਜਨਮ ਹੀਰੇ ਵਰਗਾ ਕੀਮਤੀ ਹੈ, ਪਰ (ਸਿਮਰਨ-ਹੀਣ ਹੋਣ ਕਰਕੇ) ਕੌਡੀ ਦੇ ਭਾ ਜਾ ਰਿਹਾ ਹੈ।੧।]

[You wasted the night by sleeping through it and the day is wasted in eating. This human birth is valuable as a diamond. It is wasting away in exchange for a sea shell.]

(ਗਉੜੀ ਬੈਰਾਗਣਿ ਮਹਲਾ ੧, ਪੰਨਾ 156)

- iii) ਮਿਲੁ ਜਗਦੀਸ ਮਿਲਨ ਕੀ ਬਰੀਆ ॥

ਚਿਰੰਕਾਲ ਇਹ ਦੇਹ ਸੰਜਰੀਆ ॥੧॥ਰਹਾਉ॥

[ਅਰਥ : (ਹੇ ਭਾਈ ! ) ਚਿਰ ਪਿੱਛੋਂ ਤੈਨੂੰ ਇਹ (ਮਨੁੱਖਾ-) ਸਰੀਰ ਮਿਲਿਆ ਹੈ, ਜਗਤ ਦੇ ਮਾਲਕ ਪ੍ਰਭੂ ਨੂੰ (ਹੁਣ) ਮਿਲ, (ਇਹੀ ਮਨੁੱਖਾ ਜਨਮ ਪ੍ਰਭੂ ਨੂੰ) ਮਿਲਣ ਦਾ ਸਮਾ ਹੈ।੧॥ਰਹਾਉ॥]

[After a long time you have obtained the human form. This is the only time to meet the Master of this world.]

(ਗਉੜੀ ਗੁਆਰੇਰੀ ਮਹਲਾ ੫, ਪੰਨਾ 176)

- iv) ਭਈ ਪਰਾਪਤਿ ਮਾਨੁਖ ਦੇਹੁਰੀਆ ॥

ਗੋਬਿੰਦ ਮਿਲਣ ਕੀ ਇਹ ਤੇਰੀ ਬਰੀਆ ॥

[ਅਰਥ : (ਹੇ ਭਾਈ ! ) ਤੈਨੂੰ ਸੋਹਣਾ ਮਨੁੱਖਾ ਸਰੀਰ ਮਿਲਿਆ ਹੈ। ਪਰਮਾਤਮਾ ਨੂੰ ਮਿਲਣ ਦਾ ਤੇਰੇ ਲਈ ਇਹੀ ਮੌਕਾ ਹੈ।]

[You have obtained a handsome human form. This is the only opportunity for you to meet your God.]

(ਆਸਾ ਮਹਲਾ ੫, ਪੰਨਾ 12)

42. This is why it is necessary for a spiritual person to completely and fully adhere to all the known attributes of Ultimate Reality including the physical appearance.

## VII

43. The Guru prescribed rigorous spiritual discipline for a seeker after Truth. It has a vital philosophical implication for humanity at large.

44. God loves the Creation. He loves us all as our parents love us. He wants to ensure that we lead peaceful, tension free lives, bereft of fear and want and are able to make as much spiritual progress as we choose to.

ਹੁਣਿ ਹੁਕਮੁ ਹੋਆ ਮਿਹਰਵਾਣ ਦਾ ॥

ਪੈ ਕੋਇ ਨ ਕਿਸੈ ਰਵਾਣਦਾ ॥

ਸਭ ਸੁਖਾਲੀ ਵੁਠੀਆ ਇਹੁ ਹੋਆ ਹਲੇਮੀ ਰਾਜੁ ਜੀਉ ॥੧੩॥

(ਸਿਰੀਰਾਗੁ ਮਹਲਾ ੧, ਪੰਨਾ 74)

Service to God in that context is to provide filial love to humanity and includes erecting human institutions such as to ensure that the stipulated conditions become a hard reality. It is to love everything and everyone as God loves them and also as the created beings love God. It results in providing and in perpetuating the ideal beneficial environment.

45. If we analyse this aspect further, it promises to go much farther than democracy, the best form of governance so far evolved by human ingenuity. Resembling Plato's theory of guardians, it has the unique provision of dedicated helpers whose salvation depends on selflessly serving the people of this world. It is a volunteer force and everyone willing to observe the prescribed discipline is welcome to join it. The Guru actively welcomes those who may have obtained the same spiritual level as the Khalsa. Such persons can be the products of any culture or civilisation. As numbers of this force increase, it tends to become more and more effective in rendering the service that humankind desperately requires.

46. The system put together by the Guru ensures that the benign loving and just God marches into human history for the common benefit of all. The exercise ensures that God's love for creation and the human's love for the Creator continues to be expressed by the most cultured of our race

through human institutions dedicated to securing the dignity of all. This is a remarkable arrangement by any philosophical standards. History has shown that it is capable of being realized.

[P.S. I am grateful to my colleague Sardar Harshinder Singh Advocate who, mostly working on fragments preserved in my memory was able to dig out the original *sabads* from the scripture. He also suggested three that were apt. This saved me hours of labour, allowing me to concentrate on the development of the theme. In the High Court, he helped me in quoting them to the Bench. Without his help, the effort could have been crippled.]

All the explanations of the Gurbani Verses in Punjabi have been reproduced from Professor Sahib Singh's *Sri Guru Granth Sahib Darpan*.



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## PART THREE

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### Explanatory Notes to the Footnotes Pertaining to the Original Submission

[The following footnotes pertain to the original submission “Of Prophetic Vision, Human Dignity and Uncut Hair”. These are part of the court proceedings and are being reproduced to maintain the record in the original form—*Editor*]

#### Footnote No. 1

By this statement the Guru is claiming divine sanction for his mission.

ਹਉ ਆਪਹੁ ਬੋਲਿ ਨ ਜਾਣਦਾ ਮੈ ਕਹਿਆ ਸਭੁ ਹੁਕਮਾਉ ਜੀਉ॥...  
[ਅਰਥ : ਮੈਂ ਆਪਣੀ ਅਕਲ ਦਾ ਆਸਰਾ ਲੈ ਕੇ ਇਹ ਰਸਤਾ ਨਹੀਂ ਦੱਸ ਰਿਹਾ।  
ਜਿਸ (ਸੁਭਾਗੇ ਬੰਦੇ) ਉੱਤੇ ਨਾਨਕ ਨੇ ਕਿਰਪਾ ਕੀਤੀ ਹੈ, ਪਰਮਾਤਮਾ ਨੇ ਉਸ  
ਨੂੰ ਆਪਣੀ ਭਗਤੀ ਦਾ ਖ਼ਜ਼ਾਨਾ ਬਖ਼ਸ਼ ਦਿੱਤਾ ਹੈ।]

[I am not preaching all this after deducing it with my intellect. God has been kind to me and has Himself endowed me with His devotion.]

(ਸ਼੍ਰੋਮਣੀ ਮਹਲਾ ੫ ਗੁਣਵੰਤੀ, ਪੰਨਾ 763)

#### Footnote No. 2

The Sikh doctrine basic to the faith : that all the Gurus were one Nanak in ten different human forms, is supported by the Sikh scripture itself.

Some representative verses are cited below in affirmation of the proposition. Other verses are at para 25 of the additional submissions presented to the Hon'ble Court on 27<sup>th</sup> February, 2009.

Six Gurus have contributed their compositions to the *Guru Granth*, the Sikh scripture. They have all written these under the common name of Nanak. We distinguish one from the other by the headings (Mohala-1, Mohala-2...Mohala-9). Mohala is an Arabic word, a derivative of *halul* and very roughly means 'prophet'.

### Footnote No. 3

Bhai Gurdas the most prominent Sikh theologian whose writings are sanctioned to be sung along with the Guru's Word, supports the proposition that all Gurus were animated by the same light and were indistinguishable from one another as water is from water.

### Footnote No. 6

ਕਿਵ ਸਚਿਆਰਾ ਹੋਈਐ ਕਿਵ ਕੂੜੈ ਤੁਟੈ ਪਾਲਿ॥

ਹੁਕਮਿ ਰਜਾਈ ਚਲਣਾ ਨਾਨਕ ਲਿਖਿਆ ਨਾਲਿ॥੧॥

[ਅਰਥ: ਕੂੜ ਦਾ ਪਰਦਾ ਕਿਵੇਂ ਟੁੱਟ ਸਕਦਾ ਹੈ? ਰਜਾ ਦੇ ਮਾਲਕ ਅਕਾਲ ਪੁਰਖ ਦੇ ਹੁਕਮ ਵਿਚ ਤੁਰਨਾ-(ਇਹੀ ਇਕ ਵਿਧੀ ਹੈ)। ਹੇ ਨਾਨਕ! (ਇਹ ਵਿਧੀ) ਧੁਰ ਤੋਂ ਹੀ ਜਦ ਤੋਂ ਜਗਤ ਬਣਿਆ ਹੈ, ਲਿਖੀ ਚਲੀ ਆ ਰਹੀ ਹੈ।੧।]

[How can the curtain of untruth be penetrated? Nanak! it can only be removed by following God's divine ordinance that prevails in the world since the beginning of creation.]

(ਜਪੁ, ਪੰਨਾ 1)

### Footnote No. 7

This note is appended to show that the Guru considers human birth to be a rare opportunity, a brief interval in between 84 lakh births into different species. It is therefore imperative for a person to destroy the chances of rebirth, death and suffering by following the divine discipline and securing a merger into the Ultimate Reality.

i) ਇਸੁ ਪਉੜੀ ਤੇ ਜੋ ਨਹੁ ਚੁਕੈ ਸੋ ਆਇ ਜਾਇ ਦੁਖੁ ਪਾਇਦਾ॥੨॥

[ਅਰਥ: ਪਰ ਜਿਹੜਾ ਮਨੁੱਖ ਇਸ ਪੌੜੀ ਤੋਂ ਖੁੰਝ ਜਾਂਦਾ ਹੈ, ਉਹ ਜਨਮ ਮਰਨ ਦੇ ਗੇੜ ਵਿਚ ਪੈ ਕੇ ਦੁੱਖ ਭੋਗਦਾ ਹੈ।੨।]

[A person who fails to utilize the ladder of human birth, transmigrates endlessly and suffers.]

(ਮਾਰੂ ਸੋਲਹੇ ਮਹਲਾ ੫, ਪੰਨਾ 1075)

- ii) ਰੈਣਿ ਗਵਾਈ ਸੋਇ ਕੈ ਦਿਵਸੁ ਗਵਾਇਆ ਖਾਇ ॥

ਹੀਰੇ ਜੈਸਾ ਜਨਮੁ ਹੈ ਕਉਡੀ ਬਦਲੇ ਜਾਇ ॥੧॥

[ਅਰਥ : ਤੂੰ ਰਾਤ ਸੌ ਕੇ ਗੁਜ਼ਾਰਦਾ ਜਾ ਰਿਹਾ ਹੈਂ ਤੇ ਦਿਨ ਖਾ ਖਾ ਕੇ ਵਿਅਰਥ ਬਿਤਾਂਦਾ ਜਾਂਦਾ ਹੈਂ, ਤੇਰਾ ਇਹ ਮਨੁੱਖਾ ਜਨਮ ਹੀਰੇ ਵਰਗਾ ਕੀਮਤੀ ਹੈ, ਪਰ (ਸਿਮਰਨ-ਹੀਣ ਹੋਣ ਕਰਕੇ) ਕੌਡੀ ਦੇ ਭਾ ਜਾ ਰਿਹਾ ਹੈ ॥੧॥]

[You wasted the night by sleeping through it and the day is wasted in eating. This human birth is valuable as a diamond. It is wasting away in exchange for a sea shell.]

(ਗਉੜੀ ਬੈਰਾਗਣਿ ਮਹਲਾ ੧, ਪੰਨਾ 156)

- iii) ਮਿਲੁ ਜਗਦੀਸ ਮਿਲਨ ਕੀ ਬਰੀਆ ॥

ਚਿਰੰਕਾਲ ਇਹ ਦੇਹ ਸੰਜਰੀਆ ॥੧॥ਰਹਾਉ॥

[ਅਰਥ : (ਹੇ ਭਾਈ!) ਚਿਰ ਪਿੱਛੋਂ ਤੈਨੂੰ ਇਹ (ਮਨੁੱਖਾ-) ਸਰੀਰ ਮਿਲਿਆ ਹੈ, ਜਗਤ ਦੇ ਮਾਲਕ ਪ੍ਰਭੂ ਨੂੰ (ਹੁਣ) ਮਿਲ, (ਇਹੀ ਮਨੁੱਖਾ ਜਨਮ ਪ੍ਰਭੂ ਨੂੰ) ਮਿਲਣ ਦਾ ਸਮਾਂ ਹੈ ॥੧॥ਰਹਾਉ॥]

[After a long time you have obtained the human form. This is the only time to meet the Master of this world.]

(ਗਉੜੀ ਗੁਆਰੇਰੀ ਮਹਲਾ ੫, ਪੰਨਾ 176)

## Footnote No. 8

ਭਈ ਪਰਾਪਤਿ ਮਾਨੁਖ ਦੇਹੁਰੀਆ ॥

ਗੋਬਿੰਦ ਮਿਲਣ ਕੀ ਇਹ ਤੇਰੀ ਬਰੀਆ ॥

[ਅਰਥ : ਤੈਨੂੰ ਸੋਹਣਾ ਮਨੁੱਖਾ ਸਰੀਰ ਮਿਲਿਆ ਹੈ। ਪਰਮਾਤਮਾ ਨੂੰ ਮਿਲਣ ਦਾ ਤੇਰੇ ਲਈ ਇਹੀ ਮੌਕਾ ਹੈ ॥]

[You have obtained a handsome human form. This is the only opportunity for you to meet your God.]

(ਆਸਾ ਮਹਲਾ ੫, ਪੰਨਾ 12)

## Footnote No. 9

The aim of spiritual activity, according to the Gurus is to become exactly like God by absorbing all the known attributes of God. This includes the revealed physical attributes.

- i) ਭੁਖਿਆ ਭੁਖ ਨ ਉਤਰੈ ਗਲੀ ਭੁਖ ਨ ਜਾਇ ॥  
ਨਾਨਕ ਭੁਖਾ ਤਾ ਰਜੈ ਜਾ ਗੁਣ ਕਹਿ ਗੁਣੀ ਸਮਾਇ ॥੨॥  
[ਅਰਥ : ਹੇ ਨਾਨਕ ! ਤ੍ਰਿਸ਼ਨਾ ਦਾ ਮਾਰਿਆ ਮਨੁੱਖ ਤਦੋਂ ਹੀ ਤ੍ਰਿਪਤ ਹੋ ਸਕਦਾ ਹੈ, ਜੇ ਗੁਣਾਂ ਦੇ ਮਾਲਕ ਪਰਮਾਤਮਾ ਦੇ ਗੁਣ ਉਚਾਰ ਕੇ ਉਸ ਵਿਚ ਲੀਨ ਹੋ ਜਾਏ।੨।]

[Intellectual discourse cannot satisfy the longing to meet God. Nanak, intense longing can be satisfied only if, remembering His attributes one merges into God.]

(ਸਲੋਕ ਮ: ੨, ਪੰਨਾ 147)

- ii) ਅਨਹਤ ਸੁੰਨਿ ਰਤੇ ਸੇ ਕੈਸੇ ॥  
ਜਿਸ ਤੇ ਉਪਜੇ ਤਿਸ ਹੀ ਜੈਸੇ ॥...  
[ਅਰਥ : ਅਫੂਰ ਅਵਸਥਾ ਵਿਚ ਜੁੜੇ ਹੋਏ ਬੰਦੇ ਕਿਹੋ ਜਿਹੇ ਹੁੰਦੇ ਹਨ (ਤਾਂ ਇਸ ਦਾ ਉੱਤਰ ਇਹ ਹੈ ਕਿ ਉਹ ਮਨੁੱਖ ਉਸ ਪਰਮਾਤਮਾ ਵਰਗੇ ਹੀ ਹੋ ਜਾਂਦੇ ਹਨ ਜਿਸ ਤੋਂ ਉਹ ਪੈਦਾ ਹੋਏ ਹਨ।)]

[How are they who remain engrossed in eternal nothingness? They are just like God of whom they are born.]

(ਰਾਮਕਲੀ ਮਹਲਾ ੧, ਸਿਧ ਗੋਸਟਿ, ਪੰਨਾ 943)

### Footnote No. 10

The purpose of this note is to adduce evidence for the 'physical form' of God perceived by the Guru. It is a human form with natural hair. Other verses are at para 9 of the additional submissions presented to the Hon'ble Court on 27<sup>th</sup> February, 2009.

This verse is also significant for understanding the Guru's theory of aesthetics. It is certain that he equates holy with the beautiful.

### Footnote No. 11

Accepting Akalpurakh (God's) Will in toto is prescribed by the Guru as necessary for spiritual development into the state of equipoise (*Sehaj*).

ਸੇ ਭਗਤ ਹਰਿ ਭਾਵਦੇ ਜੋ ਗੁਰਮੁਖਿ ਭਾਇ ਚਲੰਨਿ ॥

ਆਪੁ ਛੋਡਿ ਸੇਵਾ ਕਰਨਿ ਜੀਵਤ ਮੁਏ ਰਹੰਨਿ ॥੨॥

[ਅਰਥ : ਪਰਮਾਤਮਾ ਨੂੰ ਉਹ ਭਗਤ ਪਿਆਰੇ ਲੱਗਦੇ ਹਨ, ਜਿਹੜੇ ਗੁਰੂ ਦੀ

ਸਰਨ ਪੈ ਕੇ ਗੁਰੂ ਦੇ ਦੱਸੇ ਅਨੁਸਾਰ ਜੀਵਨ ਬਿਤੀਤ ਕਰਦੇ ਹਨ, ਜਿਹੜੇ (ਗੁਰੂ ਦੇ ਹੁਕਮ ਅਨੁਸਾਰ) ਆਪਾ-ਭਾਵ (ਸੁਆਰਥ) ਛੱਡ ਕੇ ਸੇਵਾ-ਭਗਤੀ ਕਰਦੇ ਹਨ ਤੇ ਦੁਨੀਆ ਦਾ ਕਾਰ-ਵਿਹਾਰ ਕਰਦੇ ਹੋਏ ਹੀ ਮਾਇਆ ਦੇ ਮੋਹ ਵਲੋਂ ਅਛੋਹ ਰਹਿੰਦੇ ਹਨ।੨।]

[God likes those devotees most who monitor their lives according to Guru's instructions; those who serve abandoning self-interest, and remain untouched by excessive attachment of the mundane, even while performing worldly functions.]

(ਰਾਗੁ ਗਉੜੀ ਬੈਰਾਗਣਿ ਮਹਲਾ ੩, ਪੰਨਾ 233)

### Footnote No. 12

The Guru believes that since it corresponds to the Akalpurakh's (God's) attributes at the pre-creation state, the highest spiritual stage for humans is the state of equipoise or Sehaj.

ਮਨ ਮੇਰੇ ਹਰਿ ਰਸੁ ਚਾਖੁ ਤਿਖ ਜਾਇ॥

ਜਿਨੀ ਗੁਰਮੁਖਿ ਚਾਖਿਆ ਸਹਜੇ ਰਹੇ ਸਮਾਇ॥੧॥ਰਹਾਉ॥

[ਅਰਥ : ਹੇ ਮੇਰੇ ਮਨ ! ਪਰਮਾਤਮਾ (ਦੇ ਨਾਮ) ਦਾ ਸੁਆਦ ਚੱਖ, (ਤੋਰੀ ਮਾਇਆ ਵਾਲੀ) ਤ੍ਰਿਸ਼ਨਾ ਦੂਰ ਹੋ ਜਾਏਗੀ। ਜਿਨ੍ਹਾਂ ਬੰਦਿਆਂ ਨੇ ਗੁਰੂ ਦੀ ਸਰਨ ਪੈ ਕੇ 'ਹਰਿ ਰਸ' ਚੱਖਿਆ, ਉਹ ਆਤਮਿਕ ਅਡੋਲਤਾ ਵਿਚ ਟਿਕੇ ਰਹਿੰਦੇ ਹਨ।੧॥ਰਹਾਉ।]

(O my mind! relish God's name and all your longings will vanish. Those, who accepted refuge in the Guru tasted of God, they remain positioned in the happy state of spiritual equipoise.)

(ਸਿਰੀ ਰਾਗੁ ਮਹਲਾ ੩ ਘਰੂ ੧, ਪੰਨਾ 26)

### Footnote No. 13

In the verse at para 39, Guru Nanak is asking a seeker to serve God (i.e. God's creation) with total devotion, persistently and unto death if it becomes necessary. It is an arrangement providing for God to walk into human history.

## The Epilogue

**I**t must have become clear to the reader that a piquant situation of sorts had arisen in the court room, with the judges making every possible effort, conventional and non-conventional to elicit information necessary for them to decide on a matter of grave concern to the Sikh faith and to the existence of a Sikh people in India. It is not as if the fate of the Sikh people hung in balance. Far from it. Still it was very necessary to respond to the judicial challenge when it came. The failure to do so would continue to have repercussions for the future. In the communally surcharged atmosphere of India, it could have put the Sikhs at a considerable disadvantage. In any case it would have been incomprehensible why such an important proposition should not have been coherently articulated by the believers. It could have provided great opportunities to the scavenging faiths eager to feed on the carcasses of spiritualism. The Sikhs would have had to make tremendous efforts to meet the situation effectively and it would have entailed a sour relationship with the state.

All that was required to deal effectively with the negative fallout before it was generated, was an application of mind, on the required plane. The Sikh faith had always pursued open diplomacy as the most effective tool of religious preaching. The democratic nature of the faith, and the absence of ordained priesthood further ensured that the knowledge of essential doctrines was within the reach of all who cared to be informed. It is inconceivable that the simple

truths about the wide-spread faith that supports many institutions of higher learning, seminaries, colleges for religious studies and so on, were not a common property of a bulk of the believers. It was necessary for a common person to articulate them. A grass-cutter at the Guru's court is known to have articulated the basic truths at one point of time.

In this context, may be explored a casual remark of the presiding judge made towards the conclusion of the testimony. He said to the expert witness, "it is all very well for you to take the straight path. You are no more in service. But we are still in service —." The sentence was left unfinished. Without sounding unduly uncharitable, it could be inferred that the court was struggling to discover its limits of freedom of expression in the context of its being an organ of the state.

This leads to the question of questions: why was there a general reluctance to articulating the correct point of view? To a very slight degree the reluctance of teachers working in the universities and colleges funded by the government is understandable. In the years after 1947, the fear that anyone who is prepared to stand by the Sikh faith and its doctrines is a confirmed communalist graduating to be a terrorist, has been deliberately and generously laid thick in the minds of Sikh intellectuals. Many impelled by the necessity to make two ends meet, have found it convenient to shed the Khalsa form on the pretext of having adopted the godless, secular Communist philosophy. Many of them, like the tallest Sant Singh Sekhon, for instance, continued to boldly preach against Sikh tenets all their lives and to reap the harvest but returned sheepishly to the compelling faith in the twilight of their lives. Some others like Dr. Piar Singh kept up the pretence of being devoted Sikhs to the last but continued to efficiently cut at the very roots of the faith to

please their masters thinking that the Sikhs did not understand what the intellectuals were doing. A number of historians did the same. Some poets, like Mohan Singh who abandoned the Guru for a few coins and certain coloured ribbons, died before they could retreat. Others like an interpreter of religious texts discovered the green pastures only after retirement from the places of learning and then went for it with a vengeance.

There were additional specific reasons. The mysterious behaviour in the instant suit has engaged the attention of many. In an attempt to understand what really transpired behind the scenes we may turn to Rahi's booklet referred to above. He has built up a cogent thesis on the subject. His basic premise is that Prakash Singh Badal's Akali Dal which controls the Shiromani Gurdwara Parbandhak Committee and the Punjab government has an alliance with the Bhartiya Janata Party, known as an ultra Hindu party in the Indian political context. Badal and Hardev Singh Mattewal, whom Badal has appointed as the Advocate General of the Punjab have evolved a strategy to register Hindu voters as *Sehajdhārīs* in the hope that they will vote for Badal's Akali Dal at the Shiromani Gurdwara Parbandhak Committee elections that are now due. To smoothen the way for grounding the strategy, Mattewal wrote a highly impassioned article in *The Tribune* sometime ago. It advocated acceptance of *Sehajdhārīs* as full-fledged Sikhs with a right to vote at elections to the Shiromani Gurdwara Parbandhak Committee.

The thesis expounded by Mattewal's son, while intervening in the instant suit in the High Court is instructive in the above context. He argued, 'there is a degree of desirability bordering on essentiality to keep long hair but there is no compulsion or express code of conduct mandating the same as far as the first nine Gurus are concerned (as reported in the *Times of India*, October 23,



2008).’ Read in the context of the first affidavit submitted by the Shiromani Gurdwara Parbandhak Committee, it appeared to make arrangements for surrendering the Sikh shrines to the Hindus on the pretext of giving voting rights to *Sehajdhārīs*. Ground for such a transfer had been prepared by W. H. McLeod’s *Who is a Sikh? The Problem of Sikh Identity*, Oxford: Clarendon Press, 1989.

This stance is felt to be in keeping with the larger strategy of the politically dominant, family-led Akali group and goes beyond the transitory political need to win elections. It appears that the Badal Akali Dal is committed to secularising (a euphemism for weaning away from Sikh moorings) the Sikh polity. The Sikhs are thereby rendered sitting ducks amidst the communally surcharged atmosphere of Indian politics. Everyone knows that it is a dangerous game and that it will result in the liquidation of the Sikhs as a people, who in reality are the only secular entity in Indian polity. No one is prepared to speak out against the dangerous policy, as the political thunder is wielded by the conspirators who also control vast patronage.

The ‘free intellectuals’ too are reluctant to be seen as swimming against the current. By their silence on vital Sikh issues they secure the approval of the permanent cultural majority and believe that they earn ‘a status’ thereby. “Those who belong to different religions and yet regard themselves as part of one nation earn respect and honour,” writes Mattewal in the article referred to above. The list of the names of such deviationists is long but even a mention of one of them would defile the paper on which it is written. They lose themselves in expressing admiration for select parts of female human anatomy and drown themselves in tubs full of liquor like the crudest of peasants at a country fair. They see moral values eroded and society sliding into the mire and sludge fit for pigs but do not lift even a little

finger in an attempt to rescue it. Instead of making an effort at stemming the rot, they are contributing to denuding life of all meaning, thus rendering age-old institutions irrelevant without providing replacements. There maybe a select few who have found the reality too overpowering and have adjusted their minds to it without realising, as it is now universally perceived, that the reality itself is grossly warped. The popular singers, the other carriers of culture, of course, have become the most potent instruments of the state in dragging the social order to the lowest depths of the nether world.

These then are the reasons for which the intellectual classes remain ominously silent in defence of a wholly sublime culture of their own land and of their fathers. It is this situation that needs to be addressed by sane human beings who are endowed with normal perceptions by Akalpurakh. It is precisely for such a time that the Guru had created the formidable Khalsa. The Khalsa is to step in when, 'the *kshatriyas* turn cowards and abandon their duty.' The Khalsa must step in when 'the learned hide themselves in the caves they have created in their minds' and 'when Brahmins start extracting alms at gunpoint,' while the dogs of states are 'clawing human bodies so that their masters may lick the blood without an effort.' The Khalsa must gently shower like the rain when this world is being fast devoured by the burning fires of consumerism and the grabbing mentality it inspires. It has already become 'a lake, the very water of which is on fire, when tallest humans have their feet caught in the quagmire and are about to be drowned.'

At one stage during the hearing when Justice Jasbir Singh heard an exposition of the true status of the *amritdhārī* Khalsa, he asked in a voice laden with a degree of genuine concern, 'where is the Khalsa that you have described? Have you seen any?' Well fortunately, I had 'seen' virtual hordes

of them in history. I had 'seen' them at Panipat rescuing thousands of Maratha women from the clutches of Abdali's 'marriage procession of sin' and taking them home to the far flung hamlets of Maharashtra. I had 'seen' them creating a People's Republic out of sheer concern for the oppressed and the wretched of the earth. A handful of people inspired by the Guru, numerically no larger than five percent of the population in the territory in which they ruled supreme through strength of character and not of arms, answered that description for me. They had the vision to create a Commonwealth larger than any empire known to Indian history until then. I had seen Banda the first servant of the Guru, the incomparable Sardar Sham Singh of Attari, the remarkable Bhai Maharaj Singh struggling against all odds and so many, many others.

Fortunately, I had also seen many during my lifetime with my own eyes and did not have to feel small in that temple of justice. I quickly went over the names of persons I had known and 'seen': the great Sirdar Kapur Singh, Sant Baba Jarnail Singh Khalsa Bhindranwale the martyr, Bhai Fauja Singh the martyr and Darshan Singh Pheruman the martyr were foremost amongst them. I had also known Jagjit Singh, Daljit Singh, Professor Sahib Singh, Narain Singh, Harbhagat Singh Narangwal, Harguranad Singh, Sardar Sher Singh, Baba Poohla Singh and Bhai Hari Singh Shergill. I had 'seen' Professor Puran Singh, Bhai Santokh Singh, Bhai Nand Singh (Paramhans of the Godavari), and Bhai Beant Singh. I had many more names to name if it came to that. But even if I had named them all, I still would have answered only a part of the question. The question has to be left to the Khalsa to answer fully. The answer must come in deeds, not in words. A couple of unknown victims of tyranny once asked the same question; Baba Bota Singh and Garja Singh answered it and answered it with a vengeance. Jind Kaur

'the only man in the Punjab' at that time invoked the Khalsa and marching at the head of such a procession the like of which has never been seen again in history, came the old lion of Attari.

To borrow a concept from Muhammad Latif: the Guru was a humble fakir among monks, a king on the throne, a warrior in the field, security of the insecure, the honour of those rendered lowly, strength of the weak, a lawmaker in the pulpit, a learned person in the society of the Khalsa, a prophet in the eyes of God, the most productive person at the plough in Kartarpur and in the wastes of Bhatinda, and a generous giver ranking second only to God, the primary Giver. That is the heritage he passed on to the Khalsa. Must the Khalsa ever remain intellectually impoverished, oblivious of the unparalleled heritage, held immobile, earth bound by the weight of worldly dross while this wonderful world perishes inch by inch before its very eyes. To claim the heritage is to redeem the promise that the Guru made with humankind to serve God through serving His creation, to serve it lovingly, caring for even the humblest of worms crawling upon the earth. Let us present to the world the Khalsa that Justice Jasbir Singh is keen to see and to associate with.

The presiding judge, Justice Khehar, sent his own file in which he had marked as 'important' a couplet by Sant Kabir [*bhavai lāmbe kes kar bhavai gharrar mundāe*.25 (p. 1365)]. It had no bearing on the issue but had been quoted out of context by Lal Singh and had been marked with an arrow at least half an inch thick and at least two and half inches long. This was enough of an indication that the bench had been greatly impressed by the citation. The judge asked the witness to comment upon it. Essentially it involved perception of the level at which the particular pronouncements must be interpreted. The couplet obviously

is in condemnation of those who artificially increase the length of their hair like the Jogis and twist it into ropes over their head and is as much meant to decry the Jain monks who meticulously pull out every single facial and head hair. Bhagat Kabir is telling them that such rituals are not a substitute for 'love of One God' and that they do not lead to spiritual development. The judge then wanted to know whether a Sikh was at liberty to follow whatever command of the *Guru Granth* that he liked and to leave out what did not suit him. The answer to that was that the Guru's purpose in including the apparently contradictory pronouncements of the Bhagats, is not known to us. But certain it is that when Shaikh Farid exhorts people to repair to the Mosque five times daily, he is not addressing the Sikhs. 'Farid! You non-praying dog, you have never walked five times to the Mosque. It is not a good tradition that you are following;' or, 'rise Farid, perform the ritual cleansing, and recite the morning *namāz*.' [*Faridā be niwājā kutiā eh na bhai rīt, kab-hī chal na āe-ā pañje wakhat masīt*.70. (p. 1381); and also, *Uṭh Faridā ujū sāj subah nivāj gujār*.71. (p. 1381)]. Neither does he mean to be taken literally when he says 'the only use for a head that does not bow to God is to burn it in place of firewood under a cooking vessel.' [...*Kunne heṭh jalāi-ai bālāṇ sandai thāe*.72. (p. 1381)]. The interpreter must know the level at which a portion of a scripture is to be understood. The bench, thereafter, ignored Sardar Shamsheer Singh Maloya when he quoted the same couplet by Kabir again in the afternoon.

The other misconception, tantamount to distortion with which the bench had been burdened was derived from Bhai Santokh Singh without going into the why of it. The court asked for an opinion on this widely held thesis. Many authors, since the creation of the Khalsa have felt obliged to probe the Guru's mind to find out his purpose in doing

so. Writing a century and a half later, Santokh Singh came up with nearly the right answer, but, being a poet – an excellent one at that – he preferred to express it in a myriad enchanting ways. A passing acquaintance with historiography would inform us that when he was saying that the Khalsa was created to give a ‘distinctive look so that it may not take shelter behind anonymity on occasions such as the execution of Guru Tegh Bahadur,’ he is actually emphasising that the buck stops with the Order of the Khalsa – Akalpurakh’s own army. Wherever there is oppression, the Khalsa must become the buffer between the oppressor and the oppressed regardless of the consequences. Displaying inadequate knowledge of Santokh Singh’s mind or the main theme of his *Gurpartāp Sūraj Granth*, we interpret it to mean that the Guru wanted to confer a unique look upon the Khalsa as a step towards creating the ‘*teesar panth*.’ As a matter of fact, a hirsute appearance was not a distinctive look in that age. This is indicated by the story of Sukha Singh and Mehtab Singh who could come within a striking distance of the heavily guarded Massa Ranghar, sitting in a rigorously confined environment. Could they have done it had their appearance been distinct?

The court had been made to believe that apostate or *patit* is the right word to use for a person who deviates from certain tenets of the faith. An apostate or *patit* is a very harsh word signifying complete repudiation of a dearly cherished religious belief. The great importance of hair cannot be over-emphasised in the faith of a Sikh but as certainly it does not form an ‘article of belief’ but is a *rahit* or a part of the ‘code of conduct.’ Until the Sikh simultaneously abjures faith in the Sikh religion, s/he cannot be termed a *patit*. It is a matter of ‘serious breach of code of conduct’ and to render it particularly reprehensible it has been named as one of the *bajar kurahits*. Sukha Singh in Sikh history retained a strong

belief in the Guru's philosophy and remained one of the bravest knights fighting for people's causes despite the fact that when he was an adolescent, his hair had been shorn by his parents who wanted to 'rescue' him from the fate of a Sikh. He again grew his hair long and continued steadfast in faith, performing superhuman deeds of valour, in the execution of Akalpurakh's task of eradicating evil. That the Shiromani Gurdwara Parbandhak Committee has used the word in its affidavit only goes to show that it is not a body to be trusted with the exposition of the Sikh faith although it is authorised to run the administration of Gurdwaras by a popular mandate and is based on a statute.

Similarly, it has faltered by mindlessly following Bhai Kahn Singh Nabha while defining the term *sehajdhārī*. *Sehaj* is the highest stage in the spiritual development and has nothing to do with 'slow going' or slowly tending to become a Sikh. Sainapat (*Srī Gursobhā*), a contemporary of Guru Gobind Singh was quite certain that all other forms of initiation had been superseded by the Guru when he initiated the Khalsa by the initiation of *khaṇḍe dī pāhul* or initiation by the double-edged sword. No one thereafter is inducted into the faith by any other ceremony. No *sehajdhārī* can thereafter logically exist, even if it is presumed (without any justification) that the species was extant before that. The term *sehajdhārī* was perhaps coined by Daniel Ibbetson as the successive reports of early census in the Punjab seem to indicate. Had the Shiromani Gurdwara Parbandhak Committee asked even a roadside fortune teller, he could have enlightened it on the subject. It is hoped that the above explanation sufficed to correct the perception prevailing in the court.

At the end of the statement was read the last paragraph (number 20) of Part I. Regardless of religious convictions and strong beliefs on certain issues, it will never be in order

to vehemently disapprove of a people who are lax, fallen or even depraved. Such people must receive every measure of sympathy and must be helped to revert to the faith by all means at one's disposal. At all times it needs to be kept in mind that a person committing a breach of discipline that s/he has adopted voluntarily is committing a crime against the self and against nobody else. It is also true that no right accrues to anyone else to call such a 'criminal against the self' to account for their conduct. Such a person however cannot claim the privileges of being a Sikh, either in the mundane world or in the spiritual. No one must seek to judge such a person. Everyone lives in a glass house and must learn to be humble. Spreading or even supporting falsehood, tyranny, injustice or succumbing to greed are perhaps equally grave crimes in the Khalsa Code of Conduct because they militate against the ultimate purpose of spiritual development. In a case of breach of personal conduct, outsiders get jurisdiction only when the defaulter come with a petition to the Sikh *sangat* (congregation) seeking help in rehabilitation. Then also it confers no power against the seeker's person but just the function to set the procedure of rehabilitation into motion. To do even that is mandatory and not a matter of choice.



## ਸਹਿਜ ਅਵਸਥਾ, ਸਹਿਜਧਾਰੀ ਪ੍ਰਣਾਲੀ ਅਤੇ ਸੰਪ੍ਰਦਾਇ\*

ਸਹਿਜਧਾਰੀਆਂ ਨੂੰ ਵੋਟ-ਅਧਿਕਾਰ ਦੇ ਮੁੱਦੇ ਉੱਤੇ ਬਹਿਸ ਪੱਧਰ ਦੇ ਨਿੱਤ ਨਿਵਾਣ ਵੱਲ ਜਾਣ ਕਾਰਣ ਅੱਜ ਯਾਦ ਆਉਂਦੀ ਹੈ ਸਿੱਖੀ ਗਗਨ ਦੇ ਚਮਕਦੇ ਸਿਤਾਰੇ ਸਿਰਦਾਰ ਕਪੂਰ ਸਿੰਘ ਦੀ। ਜੇ ਅੱਜ ਉਹ ਹੁੰਦਾ ਤਾਂ ਠਠਿਆਰ ਦੀਆਂ ਸੈਂਕੜੇ ਸੱਟਾਂ ਨਾਲ ਘੜੀਆਂ ਕੱਚੀਆਂ ਦਲੀਲਾਂ ਨੂੰ ਲੁਹਾਰ ਦੇ ਵਦਾਨ ਦੀ ਇੱਕੋ ਕਰਾਰੀ ਸੱਟ ਨਾਲ ਚਕਨਾਚੂਰ ਕਰ ਦਿੰਦਾ। ਕੀ ਸੱਚਮੁੱਚ ਸਿੱਖ ਧਰਮੋਪਦੇਸ਼ ਗਿਆਨ ਏਸ ਹੱਦ ਤੱਕ ਅਲੋਪ ਹੋ ਚੁੱਕਿਆ ਹੈ ਕਿ ਮਹੀਪ ਸਿੰਘ, ਮਾਨ ਸਿੰਘ ਨਿਰੰਕਾਰੀ, ਹਰਦਿੱਤ ਸਿੰਘ ਕਪੂਰ ਆਦਿ ਦੀਆਂ ਤਾਲੋਂ ਘੁੱਬੀਆਂ ਅਪ੍ਰਸੰਗਕ ਏਧਰ-ਓਧਰ ਦੀਆਂ ਨੂੰ ਬਹਿਸ ਵਿੱਚ ਪੇਸ਼ ਕਰਨ ਦੇ ਕਾਬਲ ਦੱਸਿਆ ਜਾ ਰਿਹਾ ਹੈ। ਇਹ ਲੇਖ ਕੇਵਲ ਬਹਿਸ ਦੇ ਅਸਲ ਮੁੱਦਿਆਂ ਨੂੰ ਉਭਾਰਨ ਲਈ ਹੈ ਤਾਂ ਕਿ ਕੋਈ ਸਿੱਖੀ ਦੀ ਸੋਝੀ ਰੱਖਣ ਵਾਲਾ ਆਵੇ ਅਤੇ ਵਦਾਨ ਦੀ ਇੱਕ ਸੱਟ ਮਾਰ ਕੇ ਬਹਿਸ ਨੂੰ ਸਮੇਟ ਸਕੇ। ਹੇਠਾਂ ਜੋ ਦਿੱਤਾ ਜਾ ਰਿਹਾ ਹੈ ਇਹ ਸ੍ਰੀ ਅੰਮ੍ਰਿਤਸਰ ਵਿੱਚ 13 ਜੁਲਾਈ 2002 ਨੂੰ ਹੋਈ ਵਿਚਾਰ-ਗੋਸ਼ਟੀ ਦੇ ਪ੍ਰਧਾਨਗੀ ਭਾਸ਼ਣ ਦਾ ਸਾਰੰਸ਼ ਹੈ।

ਬਹਿਸ ਦਾ ਪਹਿਲਾ ਮੁੱਦਾ ਹੋਣਾ ਚਾਹੀਦਾ ਹੈ ਕਿ ਕੀ ਸਹਿਜਧਾਰੀ ਪਦ ਅਧਿਆਤਮਕ ਗਿਆਨ ਪ੍ਰਾਪਤੀ ਦਾ ਪ੍ਰਤੀਕ ਹੈ ਜਾਂ ਕਿ ਸਹਿਜਧਾਰੀ ਸੰਪ੍ਰਦਾਇ ਦਾ ਨਾਮਕਰਣ ਹੈ ਅਥਵਾ ਸਹਿਜਧਾਰੀ ਪ੍ਰਣਾਲੀ ਦਾ ਲਖਾਇਕ ਹੈ? ਸਿੱਖ ਮੱਤ ਅਨੁਸਾਰ ਸਹਿਜ ਅਵਸਥਾ ਜਗਿਆਸੂ ਦੀ ਇੱਕ ਉੱਤਮ ਅਧਿਆਤਮਕ ਅਵਸਥਾ ਹੈ ਜਿਸ ਦਾ ਜ਼ਿਕਰ ਬਾਰ-ਬਾਰ ਗੁਰਬਾਣੀ ਵਿੱਚ ਆਉਂਦਾ ਹੈ। ਇਹ ਬ੍ਰਹਮ ਗਿਆਨੀ ਦਾ ਸ਼ਿੰਗਾਰ ਹੈ! ਸੰਸਾਰ ਦੇ ਬਾਕੀ ਧਰਮਾਂ ਵਿੱਚ ਹੋਂਦ ਵਿੱਚ ਆਏ ਦੀਕਸ਼ਾ ਪ੍ਰਾਪਤੀ ਤੋਂ ਪਹਿਲਾਂ ਦੀ ਅਵਸਥਾ, ਪਦ ਦੇ ਰੂਪ ਵਿੱਚ ਸਹਿਜਧਾਰੀ ਲਫਜ਼ ਉਸ ਇਨਸਾਨ ਵੱਲ ਇਸ਼ਾਰਾ ਕਰਦਾ ਹੈ ਜੋ ਸਹਿਜੇ-ਸਹਿਜੇ ਨਵੇਂ ਧਰਮ ਨੂੰ ਗ੍ਰਹਿਣ ਕਰਨ ਵੱਲ ਮੰਜ਼ਿਲਾਂ ਮਾਰ ਰਿਹਾ ਹੈ। ਸਿੱਖੀ ਵਿੱਚ ਇਹ ਸਹਿਜਧਾਰੀ ਪ੍ਰਣਾਲੀ ਹੈ ਜੋ ਕਿ ਸਹਿਜਧਾਰੀਆਂ ਦਾ ਨਾ ਤਾਂ ਸਮੂਹ ਹੈ, ਨਾ ਟ੍ਰੇਡ ਯੂਨੀਅਨ ਬਲਕਿ ਹਰ ਇੱਕ ਸਿੱਖ ਦੀ ਸਿੱਖੀ ਦੀ ਚਰਮ-ਸੀਮਾ ਪ੍ਰਾਪਤੀ ਦੀ ਅਮੁੱਕ ਚਾਰ, ਅਧਿਆਤਮਕ ਖੇੜੇ ਦੀ ਪ੍ਰਤੀਕ ਰਮਜ਼ ਦੇ ਧਾਰਨੀ ਹੋਣ ਦਾ ਸੰਕੇਤ ਹੈ। ਇਹ ਸਹਿਜ ਮਾਰਗ ਸਿੱਖੀ ਦੀ ਪਹਿਲੀ ਮੰਜ਼ਿਲ ਵੀ ਹੈ ਤੇ ਆਖ਼ਰੀ ਵੀ। ਸਾਹਿਬ ਦਸਵੇਂ ਪਾਤਸ਼ਾਹ ਹਜ਼ੂਰ ਨੇ ਬਹਾਦਰ ਸ਼ਾਹ ਦੇ ਕਾਜ਼ੀ ਨੂੰ ਦੱਸਿਆ ਸੀ ਕਿ ਹਰ ਪੱਖੋਂ ਆਪਣੇ-ਆਪ ਨੂੰ ਗੁਨਾਹਾਂ ਤੋਂ ਪਾਕਿ ਕਰ ਕੇ ਆਪਣੇ-ਆਪ ਨੂੰ ਵੱਡਾ

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ਗੁਨਾਹਗਾਰ ਜਾਣਨਾ ਹੀ ਅਧਿਆਤਮਕ ਉੱਨਤੀ ਦਾ ਗੁਰੂ ਹੈ। ਸਿੱਖੀ ਦੀ ਏਸ ਆਦਿ ਰੀਤ ਨੂੰ ਪ੍ਰਪੱਕ ਕਰਦਿਆਂ ਸਾਹਿਬ ਦੂਜੇ ਨਾਨਕ ਨੇ ਗੁਰੂ-ਪਦ ਧਾਰਣ ਕਰਨ ਉਪਰੰਤ ਵੀ ਆਪਣੇ-ਆਪ ਨੂੰ ਸਹਿਜ-ਮਾਰਗ ਦਾ ਪਾਂਧੀ ਦੱਸਿਆ, ਜਦੋਂ ਕਿ ਸਿੱਖਾਂ ਨੂੰ ਇੱਕ ਟਕਾ ਸੱਤੇ ਬਲਵੰਡ ਨੂੰ ਦੇਣ ਦਾ ਹੁਕਮ ਕਰ ਕੇ ਖੁਦ ਇੱਕ ਪੈਸਾ ਦਿੱਤਾ ਅਤੇ ਵਿਆਖਿਆ ਕੀਤੀ ਕਿ “ਮੈਂ ਸਿੱਖ ਬਣਨ ਦਾ ਚਾਹਵਾਨ ਹਾਂ।” ਅਨੇਕਾਂ ਹੋਰ ਪ੍ਰਮਾਣ ਵੀ ਹਨ। ਸੁਗਠਿਤ ਸੰਪ੍ਰਦਾਇ ਦੇ ਤੌਰ 'ਤੇ ਅੰਮ੍ਰਿਤਧਾਰੀਆਂ ਦੇ ਵਿਰੋਧ ਵਿੱਚ ਨਾ ਕਦੇ ਸਹਿਜਧਾਰੀ ਸੰਪ੍ਰਦਾਇਆ ਸਿੱਖ ਪੰਥ ਵਿੱਚ ਪ੍ਰਚੱਲਤ ਰਹੀ ਹੈ, ਨਾ ਹੀ ਧਾਰਮਿਕ ਪੱਖੋਂ ਏਸ ਦੀ ਹੋਂਦ ਦੀ ਸੰਭਾਵਨਾ ਹੈ। ਇਹਨਾਂ ਪੱਖਾਂ ਉੱਤੇ ਭਰਪੂਰ ਬਹਿਸ ਉਪਰੰਤ ਹੀ ਏਸ ਮੁੱਢਲੇ ਮੁੱਦੇ ਨੂੰ ਨਜਿੱਠਿਆ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਸੇ ਸਿੱਖ-ਧਰਮ-ਗਿਆਤਾ ਨੂੰ ਏਸ ਉਪਰੋਕਤ ਤੱਥ ਉੱਤੇ ਰੋਸ਼ਨੀ ਪਾ ਕੇ ਸੰਬੰਧਿਤ ਮੁੱਦੇ ਨੂੰ ਸਾਰਥਿਕ ਢੰਗ ਨਾਲ ਨਜਿੱਠਣਾ ਬਣਦਾ ਹੈ।

ਇਹ ਵੀ ਦੱਸਣਾ ਬਣਦਾ ਹੈ ਕਿ ਸਹਿਜਧਾਰੀ ਪਰਿਭਾਸ਼ਾ ਅੰਦਰ ਕੀ ਉਹ ਲੋਕ ਵੀ ਆ ਜਾਂਦੇ ਹਨ ਜੋ ਸਹਿਜੇ-ਸਹਿਜੇ ਸਿੱਖੀ ਤੋਂ ਦੂਰ ਜਾ ਰਹੇ ਹਨ ? ਇਸ਼ਾਰਾ ਕੇਸਾਧਾਰੀ ਦੇ ਕੇਸ ਕਤਲ ਕਰਵਾਉਣ ਵੱਲ ਹੈ। ਅਜਿਹੇ ਲੋਕਾਂ ਨੂੰ ਰਹਿਤਨਾਮੇ ‘ਸਿਰਗ੍ਰੰਥ; ਸਿਰਘਸ਼ੇ’ ਇਤਿਆਦਿ ਦੀ ਉਪਾਧੀ ਬਖਸ਼ਦੇ ਹਨ। ਅਜਿਹੇ ਲੋਕ ਸ਼੍ਰੋਮਣੀ ਕਮੇਟੀ ਕਾਨੂੰਨ ਦੀ ਅਹਿਮ ਮੱਦ ਅਨੁਸਾਰ ਚੋਣਾਂ ਵਿੱਚ ਵੋਟ ਪਾਉਣ ਦੇ ਅਧਿਕਾਰੀ ਨਹੀਂ ਹਨ। ਇਹਨਾਂ ਨੂੰ ਮੱਤ-ਦਾਤਾ, ਕਾਨੂੰਨੀ ਤੌਰ 'ਤੇ ਨਹੀਂ ਬਣਾਇਆ ਜਾ ਸਕਦਾ; ਇਹਨਾਂ ਲਈ ਹਵਾ ਵਿੱਚ ਤਲਵਾਰਾਂ ਚਲਾਉਣ ਦਾ ਮਤਲਬ ? ਜੋ ਅਸਲ ਸਹਿਜਧਾਰੀ ਹਨ ਉਹਨਾਂ ਨੂੰ ਵੋਟ-ਅਧਿਕਾਰ ਰਿਹਾ ਹੈ; ਉਦੋਂ ਰਿਹਾ ਹੈ ਜਦੋਂ ਉਹ ਵੀ ਸਹਿਜਧਾਰੀ ਸਨ ਅਤੇ ਮਰਨੇ-ਪਰਨੇ ਦੇ ਸੰਸਕਾਰ ਸਿੱਖ-ਧਰਮ-ਰਹਿਤ ਅਨੁਸਾਰ ਕਰਦੇ ਸਨ। ਜੇ ਕਦੇ ਕਿਸੇ ਨੇ ਅਜਿਹੇ ਸੰਸਕਾਰ ਬਾਰੇ ਅਖਬਾਰਾਂ ਵਿੱਚ ਰੋਜ਼ ਆਉਂਦੇ ਅਨੇਕਾਂ ਇਸ਼ਤਿਹਾਰਾਂ ਵਿੱਚੋਂ ਕਿਸੇ ਸਹਿਜਧਾਰੀ ਵੱਲੋਂ ਗੁਰਮਤਿ ਅਨੁਸਾਰ ਕੀਤੇ ਸੰਸਕਾਰ ਦਾ ਜ਼ਿਕਰ ਪੜ੍ਹਿਆ ਹੈ ਤਾਂ ਉਹ ਓਸ ਦੇ ਵੋਟ ਦੇਣ ਦੇ ਅਧਿਕਾਰ ਲਈ ਜ਼ਰੂਰ ਜੱਦੋ-ਜਹਿਦ ਕਰੇ।

ਅਸਲ ਸਹਿਜਧਾਰੀ ਤਾਂ ਜਾਣਦੇ ਹਨ ਕਿ ਉਹਨਾਂ ਦੀ ਇੱਕ ਅਹਿਮ ਮੰਜ਼ਿਲ ਅੰਮ੍ਰਿਤਧਾਰੀ ਹੋਣ ਦੀ ਹੈ ਅਤੇ ਅੰਮ੍ਰਿਤਧਾਰੀ ਖ਼ਾਲਸਾ ਪੰਥ ਨਾਲ ਉਹਨਾਂ ਦਾ ਕੋਈ ਵਿਰੋਧ ਨਹੀਂ; ਨਾ ਹੀ ਉਹਨਾਂ ਦਾ ਐਸਾ ਕੋਈ ਮੱਤ ਹੈ ਜੋ ਅੰਮ੍ਰਿਤਧਾਰੀਆਂ ਦੇ ਵਿਰੋਧ ਵਿੱਚ ਹੈ ਅਤੇ ਜਿਸ ਉੱਤੇ ਪਹਿਰਾ ਦੇਣ ਲਈ ਵੋਟ-ਅਧਿਕਾਰ ਲਾਜ਼ਮੀ ਹੈ।

ਬਹਿਸ ਵਿੱਚ ਆਮ ਤੌਰ 'ਤੇ ਪ੍ਰਮੁੱਖ ਗੁਰਸਿੱਖ ਸੱਜਣਾਂ, ਜਿਨ੍ਹਾਂ ਵਿੱਚ ਦੀਵਾਨ ਕਉੜਾ ਮੱਲ, ਸੁਰ ਸਿੰਘ ਵਾਲੇ ਦੇਸ ਰਾਜ, ਬਾਬਾ ਦਿਆਲ ਆਦਿ ਦਾ ਨਾਮ ਲੈ ਕੇ ਕਿਹਾ ਗਿਆ ਹੈ ਕਿ ਜੋ ਸਹਿਜਧਾਰੀਆਂ ਨੂੰ ਵੋਟ-ਅਧਿਕਾਰ ਦੇਣ ਦੇ ਵਿਰੁੱਧ ਹਨ ਉਹ ਇਹਨਾਂ ਮਹਾਪੁਰਸ਼ਾਂ ਦਾ ਅਪਮਾਨ ਕਰਦੇ ਹਨ। ਪਰਉਪਕਾਰੀ ਮਹਾਤਮਾ ਦੇਸ ਰਾਜ ਨੇ ਸ੍ਰੀ ਦਰਬਾਰ ਸਾਹਿਬ ਦੀ ਦੁਬਾਰਾ ਉਸਾਰੀ ਕੀਤੀ। ਮਿਸਲਾਂ ਵੱਲੋਂ ਏਸ ਕਾਰਜ ਲਈ ਦਿੱਤੇ ਧਨ ਨਾਲ ਓਸ ਦਾ ਕੱਚਾ ਕੋਠਾ ਭਰਿਆ ਰਹਿੰਦਾ ਸੀ ਪਰ ਉਹ ਆਪ ਮਿਹਨਤ-ਮਜ਼ੂਰੀ ਕਰ ਕੇ ਪੇਟ ਪਾਲਦਾ ਸੀ ਅਤੇ ਓਸ ਦੇ ਘਰਵਾਲੀ ਮਹਾਨ ਮਾਈ ਰੱਜੀ ਲੋਕਾਂ ਦੇ ਘਰ ਬਹੁਕਰ-ਬੁਹਾਰੀ ਕਰ ਕੇ, ਚੱਕੀ ਪੀਹ ਕੇ ਗੁਜ਼ਾਰੇ ਜੋਗਾ ਅੰਨ ਲਿਆਉਂਦੀ ਸੀ। ਜੇ ਸਾਰੇ ਪੰਥ ਵਿੱਚ ਇੱਕ ਵੀ ਐਸਾ

ਅਕ੍ਰਿਤਘਣ ਹੈ ਜੋ ਇਹਨਾਂ ਪਰਮਹੰਸ-ਰੂਪ ਗੁਰਸਿੱਖਾਂ ਦਾ ਵਾਜਬ ਸਤਿਕਾਰ ਨਹੀਂ ਕਰਦਾ ਤਾਂ ਸਾਰੇ ਪੰਥ ਨੂੰ ਹੱਥਲੇ ਸਭ ਕੰਮ ਛੱਡ ਕੇ ਓਸਨੂੰ ਰਾਹੇ-ਰਾਸਤ ਉੱਤੇ ਲਿਆਉਣਾ ਚਾਹੀਦਾ ਹੈ। ਹੈ ਕੋਈ ਬੇਸਮਝ ਜੋ ਬਾਬਾ ਦਿਆਲ, ਕਉੜਾ ਮੱਲ, ਟੋਡਰ ਮੱਲ ਦੀ ਚਰਨ-ਧੂੜ ਨੂੰ ਮੱਥੇ ਉੱਤੇ ਲਾਉਣ ਤੋਂ ਇਨਕਾਰੀ ਹੋਵੇ? ਪਰ ਕੀ ਇਹਨਾਂ ਗੁਰਸਿੱਖਾਂ ਸਾਰੇ ਪਰਉਪਕਾਰ ਅੰਮ੍ਰਿਤਧਾਰੀ ਗੁਰਸਿੱਖ ਪੰਥ ਨੂੰ ਪੱਕੇ ਪੈਰਾਂ ਉੱਤੇ ਖੜ੍ਹਾ ਕਰਨ ਲਈ ਨਹੀਂ ਸਨ ਕੀਤੇ? ਬੇਹੱਦ ਬੇਈਮਾਨ ਹੋਏ ਬਿਨਾਂ ਏਸ ਦਾ ਨਾਕਾਰਾਤਮਕ ਜੁਆਬ ਦੇਣਾ ਮੁਸ਼ਕਿਲ ਹੈ। ਫੇਰ ਸਹਿਜਧਾਰੀ ਨੂੰ ਕਿਹੜੀ ਭਾਵਨਾ ਅਧੀਨ ਖ਼ਾਲਸਾ ਪੰਥ ਦੇ ਵਿਰੋਧ ਵਿੱਚ ਥਾਪੜਾ ਦਿੱਤਾ ਜਾ ਰਿਹਾ ਹੈ। ਏਸ ਪੱਖ ਦਾ ਨਿਪਟਾਰਾ ਵੀ ਕਿਸੇ ਵਿਦਵਾਨ ਨੂੰ ਕਰਨਾ ਚਾਹੀਦਾ ਹੈ। ਜੇ ਕੇਵਲ ਇਹੋ-ਜਿਹੇ ਸਹਿਜਧਾਰੀਆਂ ਨੂੰ ਵੋਟ-ਅਧਿਕਾਰ ਦੇਣ ਦਾ ਮਸਲਾ ਹੁੰਦਾ ਤਾਂ ਹਰ ਸਿੱਖ ਨੇ ਹਿਮਾਇਤ ਕਰਨੀ ਸੀ।

ਕੋਈ ਸਹਿਜਧਾਰੀ-ਪੱਖੀ ਲੱਖੂ ਜਾਂ ਚੰਦੂ ਵਰਗੇ ਸਹਿਜਧਾਰੀਆਂ ਦਾ ਜ਼ਿਕਰ ਕਿਉਂ ਨਹੀਂ ਕਰਦਾ? ਦਸਵੇਂ ਨਾਨਕ ਵੱਲੋਂ ਪੁਸ਼ਕਰ ਦੇ ਮੇਲੇ ਉੱਤੇ ਵਰੋਸਾਏ ਭਾਈ ਪਿਰਥਾ ਜੀ ਸਾਧੂ ਦਾ ਗੱਦੀਨਸ਼ੀਨ ਸੀ ਜਗਤ ਭਗਤ। ਓਸ ਦਾ ਚੇਲਾ ਹੋਇਆ ਲੱਖੂ, ਜੋ ਉਹਨਾਂ ਦੇ ਵਰਦਾਨ ਸਦਕਾ ਦੀਵਾਨ ਬਣਿਆ। ਓਸ ਨੇ ਛੋਟਾ ਘੱਲੂਘਾਰਾ ਕੀਤਾ; ਗ੍ਰਹਿਸਥੀ ਸਿੱਖਾਂ ਦਾ ਕਤਲੇਆਮ ਸੋਮਾਵਤੀ ਮੱਸਿਆ ਨੂੰ ਆਰੰਭਿਆ; ਸਿੱਖ ਧਰਮ-ਪੋਥੀਆਂ ਨੂੰ ਪਾੜ ਕੇ ਖੂਹ ਭਰੇ; ਗੁਰੂ ਦਾ ਨਾਂ ਲੈਣ ਉੱਤੇ ਪਾਬੰਦੀ ਲਾਈ ਅਤੇ ਐਲਾਨ ਕੀਤਾ ਕਿ ਉਹ ਖ਼ਾਲਸਾ ਪੰਥ ਦਾ ਖੁਰਾ-ਖੋਜ ਮਿਟਾ ਕੇ ਹੀ ਰਹੇਗਾ। ਕੀ ਲੱਖੂ ਵਾਂਗ ਕੁਝ ਵਿਰੋਧ ਵਿੱਚ ਸੰਗਠਨ ਬਣਾ ਰਹੇ ਸਹਿਜਧਾਰੀਆਂ ਦਾ ਏਹੋ ਨਿਸ਼ਾਨਾ ਤਾਂ ਨਹੀਂ? ਰੱਬ ਸ਼ੈਰ ਕਰੇ।

ਬੜੀ ਹੈਰਤ ਦੀ ਗੱਲ ਹੈ ਕਿ ਜਿੰਨੇ ਵੀ ਸਹਿਜਧਾਰੀਆਂ ਨੂੰ ਵੋਟ-ਅਧਿਕਾਰ ਦੇਣ ਦੇ ਹਾਮੀ ਹਨ, ਸਭ ਟੇਢੇ-ਵਿੰਗੇ ਢੰਗ ਨਾਲ ਪਹਿਲੇ ਨੌਂ ਗੁਰੂ ਸਾਹਿਬਾਨ ਦੀ ਸਿੱਖੀ ਨੂੰ ਦਸਵੇਂ ਪਾਤਿਸ਼ਾਹ ਦੀ ਸਿੱਖੀ ਤੋਂ ਵੱਖ ਜਾਣਦੇ ਹਨ। ਇਸਲਾਮ ਵਿੱਚ ਸ਼ਿਰਕ ਦੇ ਗੁਨਾਹ ਬਰਾਬਰ ਗੁਰੂ ਨੂੰ ਇੱਕ ਦੀ ਬਜਾਏ ਦਸ ਜਾਣਨਾ ਵੱਡਾ ਪਾਰਮਿਕ ਗੁਨਾਹ ਹੈ। ਸ੍ਰੀ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਵਿੱਚ ਦਰਜ ਸਿਧਾਂਤ ਅਨੁਸਾਰ ਜੋਤ ਓਹੀ ਹੈ, ਜੁਗਤ ਵੀ ਓਹੀ; ਅਸੀਂ ਇੱਕ ਗੁਰੂ ਦੇ ਦਸ ਜਾਮੇ ਜਾਣਨ ਨੂੰ ਸਿੱਖ ਸਿਧਾਂਤ ਦਾ ਧੁਰਾ ਪ੍ਰਵਾਨ ਕਰਦੇ ਹਾਂ। ਇਹ ਨੌਂ ਗੁਰੂਆਂ ਵਾਲੇ ਏਸ ਪ੍ਰਪੱਕ ਅਸੂਲ ਦਾ ਸਿੱਧਾ ਵਿਰੋਧ ਕਰ ਕੇ ਸਿੱਖੀ ਨੂੰ ਵੱਡੀ ਢਾਅ ਲਗਾ ਰਹੇ ਹਨ। ਕੀ ਇਹ ਏਨੇ ਨਾਦਾਨ ਹਨ ਕਿ ਇਹ ਏਸ ਸਪੱਸ਼ਟ ਅਸੂਲ ਨੂੰ ਨਹੀਂ ਸਮਝ ਪਾ ਰਹੇ? ਜਾਂ ਕੀ ਇਹ ਏਨੇ ਬੇ-ਈਮਾਨ ਹਨ ਅਤੇ ਐਸ ਕਿਸਮ ਦੀ ਸੰਨ੍ਹ ਲਾਉਣਾ ਚਾਹੁੰਦੇ ਹਨ, ਜਿਸ ਰਾਹੀਂ ਸਿੱਖੀ ਦੇ ਕਿਲ੍ਹੇ ਨੂੰ ਬੇਕਿਰਕ ਢਾਹਿਆ ਜਾ ਸਕੇ?

ਸੇਵਾ-ਪੰਥੀ ਮਹਾਤਮਾ ਨੇ ਕਿਸੇ ਵੇਲੇ ਰੋਹ ਵਿੱਚ ਆ ਕੇ ਮੁਗਲ ਬਾਦਸ਼ਾਹ ਨੂੰ ਕਿਹਾ ਸੀ, “ਕਉਣ ਗੁਰੂ ਨਾਨਕ, ਕਉਣ ਗੁਰੂ ਗੋਬਿੰਦ ਸਿੰਘ? ਮੈਂ ਤਾਂ ਇੱਕੋ ਗੁਰੂ ਨੂੰ ਜਾਣਦਾ ਹਾਂ; ਨਾਨਕ ਵੀ ਓਹੀ, ਅੰਗਦ ਵੀ ਓਹੀ, ਅਰਜਨ, ਗੋਬਿੰਦ ਸਿੰਘ ਵੀ ਓਹੀ।” ਕੀ ਇਹ ਸਾਖੀ ਆਪਾਂ ਸਾਰੇ ਨਹੀਂ ਜਾਣਦੇ ਜੁ ਏਸ ਨੂੰ ਬਹਿਸ ਤੋਂ ਬਾਹਰ ਰੱਖ ਰਹੇ ਹਾਂ?

ਕੋਈ ਸਹਿਜਧਾਰੀ ਸਮਰਥਕ ਆਖ ਰਹੇ ਹਨ ਕਿ ਕੋਸਾਧਾਰੀ ਖ਼ਾਲਸਾ ਪੰਥ, ਗੁਰੂ ਹਜ਼ੂਰ ਨੇ ਕੇਵਲ ਮੁਗਲ ਜ਼ੁਲਮ ਨੂੰ ਖ਼ਤਮ ਕਰਨ ਲਈ ਥਾਪਿਆ ਸੀ। ਇਉਂ ਪ੍ਰਚਾਰ ਕੇ ਉਹ ਸਿੱਖੀ ਦੇ ਦੋ ਮੁੱਢਲੇ ਸਿਧਾਂਤਾਂ ਨੂੰ ਨਕਾਰ ਰਹੇ ਹਨ। ਪਹਿਲਾ ਤਾਂ ਇਹ ਕਿ ਅਸੀਂ

ਸਿਧਾਂਤਕ ਤੌਰ 'ਤੇ ਗੁਰੂ ਹਜ਼ੂਰ ਨੂੰ ਸਰਬ-ਸਾਂਝਾ ਜਗਤ-ਗੁਰੂ ਜਾਣਦੇ ਹਾਂ ਜਿਸ ਦਾ ਇਹ ਐਲਾਨ ਹੈ: “ਨਾ ਕੋ ਬੈਰੀ ਨਾਹਿ ਬੇਗਾਨਾ” ਅਤੇ “ਸਭ ਕੋ ਮੀਤ ਹਮ ਅਪਨਾ ਕੀਨਾ ਹਮ ਸਭਨਾ ਕੇ ਸਾਜਨ”। ਗੁਰੂ ਹਜ਼ੂਰ ਨੂੰ ਕਿਸੇ ਦਾ ਪੱਖਧਰ ਆਖਣਾ ਨਿਹਾਇਤ ਨਿੰਦਣਯੋਗ ਕੁਕਰਮ ਤਾਂ ਨਹੀਂ? ਜ਼ੁਲਮ ਦਾ ਕੋਈ ਮਜ਼ਬ ਨਹੀਂ ਹੁੰਦਾ, ਨਾ ਜ਼ਾਲਮ ਦਾ। ਅੱਜ ਹਿੰਦੂ ਰਾਜ ਆਉਣ ਤੋਂ ਬਾਅਦ ਏਨੇ ਸਿੱਖ, ਸਰਕਾਰੀ ਜਬਰ ਨੇ ਕਤਲ ਕੀਤੇ ਹਨ ਜਿੰਨੇ ਕਿ ਮੁਗਲ, ਇਰਾਨੀ, ਅਫਗਾਨ ਅਤੇ ਅੰਗ੍ਰੇਜ਼ੀ ਸਾਮਰਾਜ ਨੇ ਮਿਲਾ ਕੇ ਨਹੀਂ ਸਨ ਕੀਤੇ। ਇਹਨਾਂ ਨੂੰ ਰਾਜ ਕਰਦਿਆਂ ਕੇਵਲ 55 ਸਾਲ ਹੋਏ ਹਨ ਜਦ ਕਿ ਬਾਕੀ ਸਾਮਰਾਜ ਸਿੱਖੀ ਜੀਵਨ ਦੇ ਸਾਢੇ ਚਾਰ ਸੌ ਸਾਲ ਰਹੇ।

ਦੂਸਰਾ ਸਿਧਾਂਤ ਇਹ ਹੈ ਕਿ ਖ਼ਾਲਸਾ ਅਕਾਲ ਪੁਰਖ ਦੀ ਮਊਜ਼ ਵਿੱਚੋਂ ਉਪਜਿਆ, ਸਦੀਵੀ ਕ੍ਰਿਤ ਹੈ। “ਸਤਿਗੁਰ ਮੇਰਾ ਸਦਾ ਸਦਾ ਨ ਆਵੈ ਨ ਜਾਇ” ਅਨੁਸਾਰ ਗੁਰੂ-ਪਦ ਪ੍ਰਾਪਤ ਖ਼ਾਲਸਾ ਪੰਥ ਨੂੰ ਕਿਸੇ ਵਕਤੀ ਮੁਆਮਲੇ ਦੇ ਹੱਲ ਲਈ ਨਿਰੂਪਣ ਕੀਤਾ ਮੰਨਣਾ ਘੋਰ ਧਾਰਮਿਕ ਅਵਗਿਆ ਹੈ। ਇਹ ਤਾਂ ਦੁਸ਼ਮਣ ਦਾ ਸੰਕਲਪ ਹੈ ਜੋ ਖ਼ਾਲਸੇ ਨੂੰ ਇਤਿਹਾਸ ਦੇ ਹਨੇਰੇ ਖੂਂਜਿਆਂ ਵਿੱਚ ਧੱਕਣਾ ਲੋਚਦਾ ਹੈ। ਸਾਡੇ ਅਸਲੀ-ਨਕਲੀ ਨਿਰੰਕਾਰੀਆਂ ਅਤੇ ਲਿਫ਼ਦੀ ਜ਼ਮੀਰ ਵਾਲੇ ਬੁੱਧੀਜੀਵੀਆਂ ਦੇ ਵਿਚਾਰ ਏਸ ਪੱਖੋਂ ਕਿਸ ਪੱਧਰ 'ਤੇ ਆ ਕੇ ਦੁਸ਼ਮਣ ਨਾਲ ਇੱਕ-ਮਿੱਕ ਹੋ ਜਾਂਦੇ ਹਨ, ਇਹ ਵੀ ਏਸ ਬਹਿਸ ਦਾ ਇੱਕ ਮੁੱਦਾ ਬਣਨਾ ਚਾਹੀਦਾ ਹੈ।

ਹੁਣ ਆਈਏ ਅਸਲ ਮੁੱਦੇ ਵੱਲ। ਸਿੱਖ ਸਮਝਦੇ ਹਨ ਕਿ ਸਹਿਜਧਾਰੀ ਸਥਾਈ ਬਹੁਗਿਣਤੀ-ਹਿੰਦੂ-ਸਮਾਜ, ਚੋਰ-ਮੋਰੀ ਰਾਹੀਂ ਗੁਰਦੁਆਰਿਆਂ ਉੱਤੇ ਕਾਬਜ਼ ਹੋਣਾ ਚਾਹੁੰਦਾ ਹੈ ਤਾਂ ਕਿ ਸਿੱਖੀ ਦੇ ਸੋਮਿਆਂ ਉੱਤੇ ਕਬਜ਼ਾ ਕਰ ਕੇ ਇਹਨਾਂ ਨੂੰ ਸਦਾ ਲਈ ਸੁਕਾ ਸਕੇ। ਇਹ ਖ਼ਦਸ਼ਾ ਕਿੱਥੋਂ ਤੱਕ ਜਾਇਜ਼ ਹੈ, ਦਾ ਅੰਦਾਜ਼ਾ ਏਥੋਂ ਲਾਓ ਕਿ ਅਨੇਕਾਂ ਗੁਰ-ਬਚਨਾਂ ਦੇ ਅਤੇ 500 ਸਾਲ ਦੇ ਨਵੇਕਲੇ ਇਤਿਹਾਸ ਦੇ ਹਿੰਦੂਆਂ ਹਰ ਹਿੰਦੂ, ਸਿੱਖਾਂ ਨੂੰ ਕੇਵਲ ਅਤੇ ਕੇਵਲ ਕੇਸਾਧਾਰੀ ਹਿੰਦੂ ਹੀ ਪ੍ਰਵਾਨ ਕਰਨ ਲਈ ਬਜ਼ਿੱਦ ਹੈ। ਸਿੱਖ ਸਮਝਦੇ ਹਨ ਕਿ ਇਹ ਇਹਨਾਂ ਨੂੰ ਜਜ਼ਬ ਕਰਨ ਦੀ ਭਾਵਨਾ ਦਾ ਨਿੰਗਰ ਪ੍ਰਗਟਾਵਾ ਹੈ। ਉਂਝ ਵੀ ਹਿੰਦੂਤਵ ਦਾ ਸੰਕਲਪ ਸਾਰੀਆਂ ਘੱਟ-ਗਿਣਤੀਆਂ ਨੂੰ ਸਰਾਲ ਬਣ ਕੇ ਨਿਗਲ ਜਾਣ ਦਾ ਹੈ। ਇਸਾਈਆਂ, ਮੁਸਲਮਾਨਾਂ ਨਾਲ ਜੋ ਹਿੰਦੂਸਤਾਨ ਵਿੱਚ ਬੀਤ ਰਹੀ ਹੈ, ਓਸ ਤੋਂ ਸਭ ਜਾਣੂੰ ਹਨ। ਏਸ ਸੰਦਰਭ ਵਿੱਚ ਹਿੰਦੂਆਂ ਦਾ ਸਹਿਜਧਾਰੀ ਬੁਰਕਾ ਪਾ ਕੇ ਗੁਰਧਾਮਾਂ ਉੱਤੇ ਕਬਜ਼ੇ ਕਰਨ ਦੇ ਮਨਸੂਬਿਆਂ ਦਾ ਕੋਈ ਸਿੱਖਾਂ ਪ੍ਰਤੀ ਸੁਹਿਰਦ ਮੰਤਵ ਵੀ ਹੋ ਸਕਦਾ ਹੈ? ਏਸ ਦਾ ਉੱਤਰ ਨਾਂਹ ਵਿੱਚ ਹੀ ਦੇਣਾ ਪਵੇਗਾ।

ਇਤਿਹਾਸ ਗਵਾਹ ਹੈ ਕਿ ਹਿੰਦੂ ਧਰਮ ਅਤੇ ਸਮਾਜ ਉੱਤੇ ਆਏ ਹਰ ਗੰਭੀਰ ਸੈਂਕਟ ਸਮੇਂ ਸਿੱਖ ਅਗਾਂਹ ਹੋ ਕੇ ਇਹਨਾਂ ਦੀ ਮਦਦ ਉੱਤੇ ਆਏ। ਏਸ ਦੇ ਬਾਵਜੂਦ ਹਿੰਦੂ ਪਦ-ਪਾਤਸ਼ਾਹੀ ਦੇ ਹੋਂਦ ਵਿੱਚ ਆਉਣ ਤੋਂ ਬਾਅਦ ਹਿੰਦੂ ਹੀ ਸਿੱਖ ਧਰਮ ਲਈ ਵੱਡਾ ਖ਼ਤਰਾ ਬਣ ਕੇ ਉੱਭਰੇ ਹਨ। ਏਸ ਦਾ ਪ੍ਰਮਾਣ ਹੈ 1947 ਤੋਂ ਬਾਅਦ ਹੋਈਆਂ ਸਿੱਖਾਂ ਦੀਆਂ ਲੱਖਾਂ ਦੀ ਗਿਣਤੀ ਵਿੱਚ ਸ਼ਹੀਦੀਆਂ, ਪੰਜਾਬੀ ਬੋਲੀ ਨੂੰ ਮਲੀਆਮੇਟ ਕਰਨ ਦੀਆਂ ਸਾਜ਼ਿਸ਼ਾਂ, ਸੈਂਕੜਿਆਂ ਦੀ ਗਿਣਤੀ ਵਿੱਚ ਸ੍ਰੀ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਦਾ ਸਾੜੇ ਜਾਣਾ ਅਤੇ ਹੋਰ ਬੇ-ਅਦਬੀਆਂ, ਸ੍ਰੀ ਅਕਾਲ ਤਖ਼ਤ ਸਾਹਿਬ ਸਮੇਤ ਸੈਂਕੜੇ ਗੁਰਦੁਆਰਿਆਂ ਦਾ ਆਨੇ-ਬਹਾਨੇ ਢਾਹੇ ਜਾਣਾ ਅਤੇ ਸਿੱਖ ਰੈਫ਼ਰੈਂਸ ਲਾਇਬ੍ਰੇਰੀ ਦਾ ਸਾੜਿਆ ਜਾਣਾ।

ਇਹ ਸਾਰਾ ਕੁਝ ਹੁੰਦਿਆਂ ਜੇ ਸਿੱਖ ਵਾਜਬ ਇਹਤਿਆਜ਼ ਵਰਤ ਕੇ ਗੁਰਧਾਮਾਂ ਉੱਤੇ ਕਿਸੇ ਗ਼ੈਰ ਦਾ ਕਬਜ਼ਾ ਰੋਕਣਾ ਵਾਜਬ ਸਮਝਦੇ ਹਨ ਤਾਂ ਉਹਨਾਂ ਨੂੰ “ਸ਼ੁੰਗੜਦੀ” ਮਾਨਸਿਕਤਾ ਦੇ ਰੋਗੀ ਅਤੇ “ਭਰੇ ਹੋਏ” ਲੋਕਾਂ ਦੇ ਮਿਹਣੇ ਕਿਉਂ ਦਿੱਤੇ ਜਾਣ? ਲੇਖਕ ਸਾਰਨਾਥ ਦੇ ਬੋਧੀ ਮੰਦਰ ਦੇ ਦਰਸ਼ਨ ਲਈ ਗਿਆ; ਨਾਲ ਹੀ ਹਿੰਦੂ ਮੰਦਰ ਸੀ; ਉੱਥੇ ਉਹਨਾਂ ਪੁੱਛਿਆ ਕਿ ਕੀ ਤੁਸੀਂ ਹਿੰਦੂ ਹੋ? ਨਾਂਹ ਕਰਨ 'ਤੇ ਕਿਹਾ ਗਿਆ ਕਿ ਗ਼ੈਰ-ਹਿੰਦੂ ਨੂੰ ਅੰਦਰ ਜਾਣ ਦੀ ਮਨਾਹੀ ਹੈ। ‘ਵਿਕਸਿਤ ਮਾਨਸਿਕਤਾ’ ਵਾਲੇ ਕੋਈ ਤਰਕ ਦੇਣ ਕਿ ਅਜਿਹੀ ਹਾਲਤ ਵਿੱਚ ਸਿੱਖ ਕਿਉਂ ਆਪਣੇ ਧਰਮ-ਅਸਥਾਨਾਂ ਵਿੱਚ ਕਿਸੇ ਗ਼ੈਰ-ਮਜ਼ਹਬ ਦਾ ਦਖਲ ਸਵੀਕਾਰ ਕਰਨ? ਕੀ ‘ਵਿਕਸਿਤ ਮਾਨਸਿਕਤਾ’ ਵਾਲੇ ਦੱਸਣਗੇ ਕਿ ਜਾਮਾ ਮਸਜਿਦ (ਦਿੱਲੀ) ਅਤੇ ਤਿਰੂਪਤੀ ਦੇਵ ਸਥਾਨਮ ਵਿੱਚ ਕਿੰਨੇ ਸਿੱਖ ਪ੍ਰਬੰਧ ਨਾਲ ਸੰਬੰਧਿਤ ਹਨ?

ਇਹ ਵੀ ਮੰਨਣਾ ਮੁਸ਼ਕਿਲ ਹੈ ਕਿ ਹਿੰਦੂ ਸਿੱਖਾਂ ਨਾਲੋਂ ਚੰਗੇ ਪ੍ਰਬੰਧਕ ਹਨ ਅਤੇ ਗੁਰਦੁਆਰਿਆਂ ਦਾ ਬਿਹਤਰ ਇੰਤਜ਼ਾਮ ਕਰਨਗੇ। ਤਕਰੀਬਨ ਦੋ ਸਦੀਆਂ ਗੁਰਦੁਆਰਾ ਪ੍ਰਬੰਧ ਨੀਮ-ਹਿੰਦੂ ਫ਼ਿਰਕਿਆਂ (ਸਹਿਜਧਾਰੀਆਂ?) ਹੱਥ ਰਿਹਾ; ਇਹਨਾਂ ਸਭ ਗੁਰਦੁਆਰਿਆਂ ਨੂੰ ਨਿੱਜੀ ਜਾਇਦਾਦ ਬਣਾ ਲਿਆ ਅਤੇ ਅੰਮ੍ਰਿਤ-ਸਰੋਵਰ ਦੇ ਪੌੜਾਂ ਤੱਕ ਉੱਤੇ ਪੱਥਰ, ਕਾਂਸੇ, ਤਾਂਬੇ ਦੇ ਬੁੱਤ ਲਿਆ ਗੱਡੇ। ਆਖ਼ਰ ਲਹੂ ਵੀਟ ਕੇ ਪ੍ਰਬੰਧ ਵਾਪਸ ਲੈਣਾ ਪਿਆ। ਕੀ ਅਜ਼ਮਾਏ ਹੋਏ ਨੂੰ ਅਜ਼ਮਾਈ ਜਾਣਾ ਸ਼ੁਹਦਿਆਂ ਦਾ ਕਸਬ ਨਹੀਂ?

ਵੈਸੇ ਵੀ ਇਹ ਆਪਣੇ ਮੰਦਰਾਂ ਦੇ ਕਿੰਨੇ ਕੁ ਚੰਗੇ ਪ੍ਰਬੰਧਕ ਹਨ। ਸਭ ਤੋਂ ਪਵਿੱਤਰ ਸਥਾਨ ਸੋਮਨਾਥ ਨੂੰ ਇਹਨਾਂ ਬਿਨਾਂ ਹੀਲ-ਹੁੱਜਤ ਦੇ ਚੰਦ ਧਾੜਵੀਆਂ ਦੇ ਹਵਾਲੇ ਕਰ ਦਿੱਤਾ ਅਤੇ ਸਾਢੇ ਨੌਂ ਸੌ ਸਾਲ ਓਸ ਨੂੰ ਦੁਬਾਰਾ ਬਣਾਉਣ ਦੀਆਂ ਹਸਰਤਾਂ ਹੀ ਪਾਲਦੇ ਰਹੇ। ਦੱਸੀ ਜਾਂਦੀ ਰਾਮ ਜਨਮ ਭੂਮੀ ਉੱਤੇ ਇਹਨਾਂ ਮਸਜਿਦ ਬਣਦੀ ਬਰਦਾਸ਼ਤ ਕੀਤੀ, ਇਤਿਆਦਿ ਇਤਿਆਦਿ। ਖਜ਼ੁਰਾਹੋ, ਕੋਣਾਰਕ ਦੇ ਮੰਦਰਾਂ ਦੀ ਬੇ-ਹੁਮਤੀ ਖ਼ੁਦ ਅਸਲੀਲ ਬੁੱਤ ਸਥਾਪਤ ਕਰ ਕੇ ਕੀਤੀ ਅਤੇ ਦੇਵਦਾਸੀ ਪ੍ਰਥਾ ਰਾਹੀਂ ਧਰਮ-ਅਸਥਾਨਾਂ ਦੀ ਰੂਹ ਨੂੰ ਭੁਸ਼ਟਿਆ। ਆਪਣੇ ਰਿਸ਼ੀਆਂ, ਅਵਤਾਰਾਂ, ਦੇਵੀ-ਦੇਵਤਿਆਂ ਬਾਰੇ ਘਟੀਆ ਕਿਸਮ ਦੀਆਂ ਅਸਲੀਲ ਕਹਾਣੀਆਂ ਘੜ ਕੇ ਉਹਨਾਂ ਨੂੰ ਮੰਦਰਾਂ ਵਿੱਚੋਂ ਚਰਿਤ੍ਰਹੀਣ ਪ੍ਰਚਾਰਿਆ। ਇਸ ਲਈ, ਸਗੋਂ ਇਹ ਵਾਜਬ ਹੈ ਕਿ ਹਿੰਦੂ ਧਰਮ-ਅਸਥਾਨਾਂ ਦੀ ਪਵਿੱਤਰਤਾ ਕਾਇਮ ਰੱਖਣ ਲਈ ਸਾਰਿਆਂ ਦਾ ਪ੍ਰਬੰਧ ਸਿੱਖਾਂ ਨੂੰ ਦੇ ਦਿੱਤਾ ਜਾਵੇ।

ਅਨੇਕਾਂ ਤਰਕ ਹੋਰ ਵੀ ਹਨ ਜੋ ਏਸ ਸੰਦਰਭ ਵਿੱਚ ਵਿਚਾਰੇ ਜਾਣ ਯੋਗ ਹਨ। ਦੇਸ ਰਾਜ ਅਤੇ ਮਾਈ ਰੱਜੀ ਵਰਗੇ ਜਿੰਨੇ ਵੀ ਸਹਿਜਧਾਰੀ ਹਨ, ਸਭ ਨੂੰ ਪੰਝੀ-ਪੰਝੀ ਵੋਟਾਂ ਪਾਉਣ ਦਾ ਅਧਿਕਾਰ ਦੇਣਾ ਵੀ ਨਿਆਂ-ਸੰਗਤ ਹੈ, ਪਰ ਦੇਸ ਰਾਜ ਦੇ ਚੰਗੇ ਹੋਠ ਲੱਖੂ ਨੂੰ ਕਦਾਚਿਤ ਘੁੱਸਪੈਠ ਦੀ ਇਜਾਜ਼ਤ ਨਹੀਂ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ।

ਏਸ ਲੇਖ ਦਾ ਮਕਸਦ ਕੇਵਲ ਕਿਸੇ ਸ਼ਹਿਰਦ ਬੁੱਧੀਜੀਵੀ ਨੂੰ ਸਾਰਥਿਕ ਤਰਕ ਦੇ ਕੇ ਬਹਿਸ ਨੂੰ ਸਮੇਟਣ ਲਈ ਪ੍ਰੇਰਨਾ ਦੇਣਾ ਸੀ, ਸੋ ਪੂਰਾ ਹੋਇਆਂ। ਏਨੀ ਮੇਰੀ ਬਾਤ ਤੇ ਉੱਤੋਂ ਪੈ ਗਈ ਰਾਤ।

## Appendix - 2

### Resolution of SGPC on Sehajdhari and Patit Issue

RESOLUTION NO. \_\_\_\_\_ PASSED IN THE EXECUTIVE BODY MEETING OF S.G.P.C. HELD AT  
SUB-OFFICE, CHANDIGARH ON DECEMBER 3, 2008 IN RESPECT OF TERMS SAHAJDHARI AND  
PATIT.

The Hon'ble High Court vide its order dated September 29, 2008 has directed the filing of an affidavit, based on a resolution passed by the S.G.P.C., Amritsar, as to whether or not a person who undertakes having neither hair, beard, plucks his/her eyebrows is a "Sehajdhari Sikh." If he performs ceremonies according to Sikh rites, does not use tobacco or *Kutha* (ੴ) (*Udat* Maat) in any form, and can recite *Mulmankari* (Preamble to Sri Guru Granth Sahib) in terms of Section 2(10-A) of the Sikh Gurdwara Act, 1925. This order necessitated the consideration of this issue by the S.G.P.C. The issue was taken up in the General House Meeting of S.G.P.C. on November 22, 2008 in Teja Singh Sonamundi Hall, Amritsar, and it was resolved to form Committee, of scholars, legal experts and S.G.P.C. representatives to give opinion, based on historical, theological and philosophic perspectives. The house authorized the newly elected President of S.G.P.C., Jashwant Arora Singh, to nominate the Committee and seek approval of the Executive Committee on the recommendations of the Committee on or before December 31, 2008. Accordingly, President S.G.P.C. nominated seven members committee to submit the Report on or before December 31, 2008.

The meeting of the Committee Members was held at Kuljallal Nivas, Chandigarh (S.G.P.C. Sub Office) on November 26, 2008 at 3 p.m. After careful consideration of all the facts, historical records (the Sikh Gurdwara Act 1925, Sikh Rehat Maryada, published by the S.G.P.C., Resolution passed by the S.G.P.C. on May 12, 1938, Notification to Govt of India, Ministry of Home Affairs, New Delhi, Dated October 6, 2003), the Committee resolved the issues of Sikh, Sahajdhari and Patit (Apostate) in its Report dated November 26, 2008.

The report of the Committee is accepted in toto, and after careful consideration of the same, the Executive Body of the S.G.P.C. in its meeting held on December 3, 2008, at Chandigarh Sub-Office passed the following Resolution in respect of Sahajdhari and Patit to be filed by way of an affidavit in Punjab and Haryana High Court on or before December 8, 2008.

- (iv) The definitions of various words and phrases, used in the Sikh Gurdwara Act 1925 are provided in Section 2 of the said Act. These definitions are relevant for the purpose of the interpretation of the substantive provisions of the Act.
- (v) As per Section 2 (10-A) a *Sehajdhari Sikh* is a person (i) who performs ceremonies according to Sikh rites; (ii) who does not use tobacco, *Kutha* (ੴ) (*Udat* Maat) in any form; (iii) who is not a *Patit* (Apostate), and (iv) who can recite *Mulmankari* (Preamble to Sri Guru Granth Sahib).

Hence a person cannot claim to be a Sahajdhari by trimming/cutting his/her hair, beard or eye brows in any manner.

Secretary,  
Shriyarn Gurdwara Parbandhak Committee,  
Sri Amritsar.

*Sehajdhari*

*Sehajdhari (DR)*

*Sehajdhari*

*Sehajdhari*  
*Sehajdhari*  
*Sehajdhari*

[Resolution No.....Passed in the Executive Body meeting of SGPC, held at Sub-office, Chandigarh on December 3, 2008 in respect of terms *Sahajdhari* and *Patit*.]

The Hon'ble High Court vide its Order dated September 29, 2008 has directed the filing of an affidavit, based on a resolution passed by the SGPC, Amritsar, as to whether or not a person who cuts/trims/shaves his/her hair, beard, plucks his/her eyebrows is a "*Sahajdhari Sikh*," if he performs ceremonies according to Sikh rites, does not use tobacco or *Kutha* (ਕੁਠਾ) (*Halal Meat*) in any form, and can recite *Mulmantra* : Proem to *Sri Guru Granth Sahib* in terms of Section 2(10-A) the Sikh Gurdwara Act, 1925. This order necessitated the consideration of this issue by the SGPC. The issue was taken up in the General House Meeting of SGPC on November 22, 2008 in Teja Singh Samundari Hall, Amritsar, and it was resolved to form Committee of scholars, legal experts and SGPC representatives to give opinion, based on historical, theological and philosophic perspectives. The house authorized the newly elected President of SGPC, Jathedar Avtar Singh, to nominate the Committee and seek approval of the Executive Committee on the recommendations of the Committee on or before December 5, 2008. Accordingly, President SGPC nominated seven member committee to submit the Report on or before December 2, 2008.

The meeting of the Committee Members was held at Kalgidhar Niwas, Chandigarh (SGPC, Sub-Office) on November 26, 2008 at 3 p.m. After careful consideration of all the facts, historical records. (The Sikh Gurdwara Act 1925, *Sikh Rehat Maryada*, published by the SGPC, Resolution passed by the SGPC, on May 12, 1938., Notification of Govt of India, Ministry of Home Affairs, New Delhi, Dated October 8, 2003) the Committee resolved the issues of Sikh, *Sahajdhari* and *Patit* (Apostate) in its Report dated November 26, 2008.

The report of the Committee is accepted in toto, and after careful consideration of the same, the Executive Body of the SGPC in its meeting held on December 3, 2008, at Chandigarh Sub-Office

passed the following Resolution in respect of Sahajdhari and Patit to be filed by way of an affidavit in Punjab and Haryana High Court on or before December 8, 2008.

- (iv) The definitions of various words and phrases, used in the Sikh Gurdwara Act 1925 are provided in Section 2 of the said Act. These definitions are relevant for the purpose of the interpretation of the substantive provisions of the Act.
- (v) As per Section 2 (10-A) a *Sahajdhari Sikh* is a person (i) who perform ceremonies according to Sikh rites; (ii) who does not use tobacco, *Kutha* (ਕੁੱਠਾ) *Halal* Meat in any form; (iii) who is not a *Patit* (Apostate), and (iv) who can recite *Mulmantra* : Proem to *Sri Guru Granth Sahib*.

Hence a person cannot claim to be a *Sahajdhari* by trimming/cutting his/her hair, beard or eye-brows in any manner.

Secretary,  
Shiromani Gurdwara Parbandhak Committee,  
Sri Amritsar.



## Appendix - 3

### Affidavit filed by SGPC in the High Court

In the High Court for the States of  
Punjab and Haryana at Chandigarh  
CWP No. 13282 of 2008

Gurleen Kaur and others

Petitioners

Versus

State of Punjab and others

Respondents

Affidavit of Harbeant Singh, Secretary, Shiromani  
Gurdwara Parbandhak Committee, Teja Singh  
Samundari Hall, Sri Amritsar Sahib.

I, the above named deponent do hereby solemnly affirm and declare as under:

1. That the deponent is the Secretary of Shiromani Gurdwara Parbandhak Committee Amritsar Sahib and being in knowledge of the facts of the present case, is competent to file the present affidavit.
2. That the present affidavit is being filed in compliance with the directions contained in the orders of this Hon'ble Court dated 29.09.2008. In consequence of the aforementioned directions of this Hon'ble Court, a General House Meeting of the SGPC considered the issue as regards the query of this Hon'ble Court on 22.11.2008 and in the meeting it was resolved to constitute a committee of Scholars/Legal experts and Representatives of the SGPC to give an opinion based upon historical, theological and philosophical perspective.
3. That the matter was deliberated by the Committee and the report was forwarded to the Executive Committee of the Shiromani Gurdwara Parbandhak Committee for approval.

4. That the Executive Committee of the Shiromani Gurdwara Parbandhak Committee has considered the report submitted by the Committee in this meeting held on 3.12.2008.
5. That based upon the above consideration the stand of the Shiromani Gurdwara Parbandhak Committee in response to the query raised by this Hon'ble Court in its order dated 29.9.2008, is as under:
  - i) The definitions of various words and phrases, used in the Sikh Gurdwara Act 1925 are provided in Section 2 of the said Act. These definitions are relevant for the purpose of the interpretation of the substantive provisions of the said Act.
  - ii) As per Section 2(10-A) a Sehajdhari Sikh is a person (i) who performs ceremonies according to Sikh rites; (ii) who does not use tobacco, kutha, Halal meat in any form; (iii) who is not a Patit (Apostate), and (iv) who can recite Mulmantra; (Proem to Sri Guru Granth Sahib). The word Sehajdhari consists of two words: Sehaj= slowly; dhari= to adopt. Hence Sehajdhari Sikhs are those novices who were born in non-Sikh families, and who expressed their desire to adopt Sikhism slowly and gradually, adopt its doctrines, ethics and tenets with belief in Shri Guru Granth Sahib and Ten Gurus. A Sehajdhari, therefore, is a novice who has entered the path of Sikhism, and he will continue to be so till he fully accepts the moral and spiritual vows of Sikhism, to be called a practising Sikh professing Sikhism. Once a Sehajdhari becomes a Keshadhari Sikh, he under no circumstances by cutting/trimming his/her hair, beard, eye-brows in any manner can claim to be a Sehajdhari Sikh. Similarly, a Sikh born into a Sikh family cannot claim to be a Sehajdhari Sikh by trimming/cutting his/her hair, beard or eye-brows in any manner.
6. That the present affidavit is being filed in the context of the aforementioned writ petition only and reflects the stand of the SGPC in response to the specific query raised by this Hon'ble Court in this order dated 29.09.2008.

Chandigarh

Dated: 5/12/08

Deponent

Verified that the contents of my above affidavit from para 1 to 6 are true and correct to my knowledge as derived from record. No part of it is false and nothing material has been concealed therein.

Chandigarh

Dated: 5/12/08

Deponent

*Appendix - 4*

**Additional affidavit filed by  
SGPC in the High Court**

**In the High Court for the States of  
Punjab and Haryana at Chandigarh  
In Civil Writ Petition No. 13282 of 2008**

**Gurleen Kaur and others**

**Petitioners**

**Versus**

**State of Punjab and others**

**Respondents**

**Additional Affidavit of Dalmegh Singh, Secretary,  
Shiromani Gurdwara Parbandhak Committee, Teja  
Singh Samundari Hall, Sri Amritsar Sahib.**

... ..

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. That the deponent is the Secretary of Shiromani Gurdwara Parbandhak Committee, Amritsar Sahib and being in knowledge of the facts of the present case, is competent to file the present affidavit.
2. That the Shiromani Gurdwara Parbandhak Committee through Sh. Harbeant Singh, the then Secretary, Shiromani Gurdwara Parbandhak Committee, Amritsar Sahib had earlier filed an affidavit dated 5.12.2008 before this Hon'ble court in pursuance of the orders passed in the present Civil Writ Petition on 29.9.2008. The present additional affidavit is being filed in the light of subsequent developments after the filing of earlier affidavit dated 5.12.2008.
3. That after the filing of earlier affidavit, a large number of

suggestions were received from various religious organizations and Sikh intellectuals. After careful consideration of the same and keeping in mind the importance of the issue, it was decided to file an amended affidavit before the Hon'ble High Court placing on record the final stand of the Shiromani Gurdwara Parbandhak Committee, Amritsar Sahib. It was further approved that before this view of Sikh bodies and intellectuals be also taken into account. The decision was taken in the Executive Committee meeting held on 28.12.2008. Representatives of Sikh bodies and Sikh intellectuals were invited for a meeting to discuss the issue on 2.1.2009. The proposed draft of the text was exhaustively discussed by the all present Sikh bodies and Sikh intellectuals at the meeting held on 2.1.2009 and after the unanimous approval by all present at the meeting, the same was put up in the meeting of the Executive Committee of Shiromani Gurdwara Parbandhak Committee as approved on 15.1.2009 in respect of 'Sehajdhari Sikh' is as under:

"As per section 2(10-A) and 2(11) of the Sikh Gurudwara Act, 1925, Sehajdhari Sikh is that person-

- i) who performs ceremonies according to Sikh rites;
- ii) who does not use tobacco or kutha in any form;
- iii) who is not a 'patit'; and
- iv) who can recite mul mantar;

2(11) 'Patit' means a person, who being a Keshdhari Sikh, trims or shaves his beard or keshas or who after taking amrit commits any one or more of the four kurahits.

It becomes clear from a perusal of both these sub sections that Sehajdhari Sikh' and 'patit' are two separate entities. Sub section says that any keshdhari Sikh, who cuts/trims his hair and beard, is a patit. So, it is clear that a person "who cuts/trims his beard/hair, although he might be performing his ceremonies like Sikhs, he might not be using tobacco, kutha meat in any form and could recite 'Mul Mantar', he cannot be a 'Sehajdhari', because he cuts/trims his hair and beard and as per the sections mentioned above of this Act, he cannot be a Sehajdhari Sikh".

4. This is for the assistance of this Hon'ble court and inconvenience caused is deeply regretted.

CHANDIGARH

16.1.2009

DEPONENT

VERIFICATION:

Verified that the contents of my above said affidavit from Para 1 to 4 are true and correct to my knowledge as derived from record. No part of it is false and nothing material has been concealed therein.

CHANDIGARH

16.1.2009

DEPONENT

Appendix - 5

Decision of the High Court on  
*Sehajdhari and Patit Issue*  
(Gurleen Kaur...vs State of Punjab)

In the High Court of Punjab and Haryana, Chandigarh  
C.W.P No.14859 of 2008  
Date of Decision: 30.05.2009

Gurleen Kaur and others ...Petitioners

Versus

State of Punjab and others ...Respondents

Coram:- Hon'ble Mr. Justice J.S. Khehar  
Hon'ble Mr. Justice Jasbir Singh  
Hon'ble Mr. Justice Ajay Kumar Mittal

...

Present: Mr. Rajiv Atma Ram, Sr. Advocate with  
Mr. G.S. Mann, Advocate for the petitioners

Mr. KTS Tulsi, Sr. Advocate with  
Mr. RTPS Tulsi, Advocate

Mr. H.S. Phoolka, Sr. Advocate with  
Mr. D.S. Patwalia, Advocate

Mr. Anupam Gupta, Senior Standing Counsel  
Mr. Ashish Rawal, Advocate  
for the Chandigarh Administration.

Mr. Chetan Mittal, Addl. A.G., Punjab  
for the State of Punjab

Mr. Surinder K. Bishnoi, DAG, Haryana  
for the State of Haryana

Mr. B.B. Sharma, Advocate  
for the State of Himachal Pardesh

Mr. Gurminder Singh, Advocate

Dr. M.S. Rahi, Advocate

Mr. Deepak Sibal, Advocate with  
Mr. Saurav Verma, Advocate

Mr. Navkiran Singh, Advocate  
Mr. Onkar Singh Batalvi, Advocate  
Mr. Sanjeev Sharma, Advocate  
Ms. J.J. Kaur, Advocate  
for the respondents

## INDEX

<u>Sr.No.</u>	<u>Description</u>	<u>Paragraphs</u>
1.	Introduction	01 - 02
2.	Case set up by the petitioners	03 - 07
3.	Claim of the respondents	08 - 10
4.	Important orders passed during motion hearing	11 - 12
5.	Issues raised by the petitioners	13 - 17
6.	Preliminary objections pertaining to maintainability of the present petition	18 - 24
7.	Whether it is in the domain of this Court to examine the tenets of a religion?	25 - 27
8.	Minority rights	28
9.	Whether maintaining hair unshorn is an important tenet under the Sikh religion?	29 - 128
	—Historical background, and Legislative enactments involving the Sikh religion	30 - 54
	—The “Sikh rehat-maryada”	55 - 57
	—The “Sikh ardas”	58 - 60
	—Views expressed by scholars of Sikhism	61 - 67



—The Guru Granth Sahib	68 - 74
—Views expressed by interveners	75 - 126
Shri Gurtej Singh	75 - 84
Shri Pavit Singh Mattewal, Advocate	85 - 98
Shri Atinder Pal Singh	99 - 107
Prof. Lal Singh	108 - 120
Giani Harinder Pal Singh	121 - 126
—Conclusion	127 - 128
10. Findings on contentions advanced on behalf of the petitioners	129 - 151
—Whether the provisions of the Gurdwara Act of 1925 are binding on the management and administration of Sri Guru Ram Das Charitable Hospital Trust, Amritsar?	129 - 138
—Whether the status of the petitioners as Sikhs must be determined only with reference to Section 2(9) of the Gurdwara Act of 1925?	139 - 141
—Whether the petitioners have a right to admission under the Sikh minority community quota under the notification dated 3.4.2001?	142 - 144
—Whether the petitioners who are all minors can be made to suffer the consequence of trimming their hair or plucking hair of their eyebrows?	145 - 147
—Whether it is valid to limit admissions under the Sikh minority community quota only to those who maintain “Sikhi Swarup”?	148 - 149
—Whether the petitioners are entitled to admission on the basis of their higher merit, in terms of the decision rendered by the Supreme Court in Islamic Academy of Education Vs. State of Karnataka, JT 2003(7) SC 1?	150 - 151
11. Concluding remarks	152 - 154

J.S. Khehar, J.

1. Hearing this petition, has been an experience of sorts. Sentiments and emotions were on a high. We were under an international scanner. Letters were addressed to the members of the bench individually, as well as, collectively. A lot of these letters came from overseas. Some of the communications were addressed to the Chief Justice of this Court, and were forwarded to us for our consideration. The media covered the hearings from day to day, and in doing so, reported the issues canvassed, as it perceived them. The issue under the scanner was an aspect of a religious belief i.e. whether maintaining hair unshorn is an essential/important tenet of the Sikh religion. Based on media projections, individual sentimentalities were aroused. Depending on what was reported, reaction of readers, who thronged the court, varied from day to day. Intellectuals, Sikh scholars, and preachers of the Sikh religion, attended court proceeding, to have a first-hand account of what was going on. While not agreeing with what one or the other side was canvassing, repeated requests were made by those attending the proceedings, that they too should be given an opportunity of hearing.

2. Religion is an issue which moderates or non-believers do not understand fully. Although, I am proud to be born in a Sikh family, I must confess my ignorance to the finer ramifications of the Sikh religion. For one of us, it was a first-time experience into the customs and usages of the Sikh religion. In order to ensure that we had been sufficiently informed about the issue being canvassed, we breached the unwritten norms. We read all the mail received by us, hoping to know and learn more about the controversy. We also heard those who regularly attended hearings of the case, and were emphatic that they had a point of view which should be taken into consideration. The analysis of the controversy at our hands may not be an amalgam of the thoughts projected, but all that was read and heard, must most necessarily have influenced our thoughts. We have, therefore, recorded all the submissions made during the course of hearing. We have recorded our reasons for not taking into consideration some of the submissions made during the course of hearing. We have not incorporated in our order/

judgement the names of individuals whom we allowed a hearing, except those who moved express applications and were allowed to intervene. Some of those heard by us entertained diagonally opposite views, from what others had to say. We have tried to reproduce the views of those who appeared before us exactly as we understood them. But then religion is a sensitive issue, a word here and there, may make all the difference. We hope that those whose views have been extracted herein, will find them to their satisfaction. We also wish to place on record our appreciation of the assistance rendered to us, by all the learned counsel, as also, the participation and interest shown by the interveners and others. Our gratitude for the effort put in by Mr. Anupam Gupta, Senior Standing Counsel for the U.T., Chandigarh, however, needs a special mention. He must have had to first understand the tenets of the Sikh religion, and then, to painstakingly convey them to us; despite the fact that he did not represent either of the contesting parties, and has nothing to do with the Sikh religion. He undoubtedly made our enormous task easier, than what it otherwise would have been.

3. The petitioners in the instant writ petition claim admission to the MBBS course at the Sri Guru Ram Das Institute of Medical Sciences and Research, Amritsar (hereinafter referred to as the Medical College). The petitioners had applied for admission to the said course for the academic session 2008-09. It would be pertinent to mention, that a prospectus-cum-application form was issued by the Association of Unaided Sikh Minority Medical and Dental Institutions, Amritsar, for filling up, inter-alia, 100 seats of the MBBS course, at the Medical College. Out of the aforesaid 100 seats, 50% i.e. 50 seats were reserved for candidates belonging to the Sikh minority community. The prospectus also contained a "notice" relevant for admissions to the seats reserved for the Sikh minority community. Candidates were informed through the "notice", that the process of admission for the reserved seats would be in terms of the orders passed by the Supreme Court in TMA Pai's case. And also that, directions issued by the Supreme Court in Islamic Academy's case, as well as, P.A. Inamdar's case (dated 31.10.2002 and 12.8.2005), would be followed. It was also sought to be clarified, that future orders issued by the Supreme Court,

in respect of admissions to the course under reference, would also be binding on all the parties.

4. In so far as, eligibility for the seats reserved for the Sikh minority community is concerned, the same was delineated in Part-B of the prospectus. Since the eligibility of the petitioners, under the Sikh minority community quota is the primary issue, arising for adjudication in the instant writ petition, the eligibility criterion depicted in the prospectus is being extracted hereunder:

“Eligibility and qualification to appear in the entrance test. The test will be open to a candidate who-

- i) is resident of India and belongs to Sikh Community;
- ii) has completed, or shall be completing, by 31.12.2008 the age of 17 years;
- iii) has passed in the subjects of Physics, Chemistry, Biology and English individually and has obtained a minimum of 50% marks taken together in Physics, Chemistry & Biology at Senior Secondary Part II Examination(Class 12 of 10+2 stream), or an equivalent examination from the recognized statutory Board/ University. (The candidate should have passed this examination in the annual examination held in March/ April 2008 or earlier. Those who are placed in compartment in the annual examination 2008 or who are already in compartment and fail to clear the same in the annual examination 2008 shall not be eligible).

Notes:

(1) A candidate will be considered Sikh/belonging to Sikh Community if he practices the Sikh faith, and maintains Sikh appearance, i.e. he/she does not cut or trim hair and wears turban (in case of male candidates) and has the word “Singh/ Kaur” with his/her name, has faith in the Ten Sikh Gurus and Sri Guru Granth Sahib only, and does not owe allegiance to any other sect or religion.

(2) A male Sikh candidate who does not presently bear the suffix “Singh” and a female Sikh candidate the word “Kaur” with his/her name, may get it added legally (that is through an affidavit plus notice in a newspaper regarding change of name) before submission of his/her application by the last date.

(3) Such a candidate can also appear in the Entrance Examination who has appeared in the qualifying examination in the annual examination held in March/April 2008, but his result is awaited. However, his candidature will be considered only if he passes the qualifying examination in the subjects of Physics, Chemistry, Biology and English individually and obtains a minimum of 50% marks taken together in Physics, Chemistry & Biology as mentioned in clause(iii) above, before the date of first counselling.”

Note (1) extracted hereinabove, is pointedly the subject matter of consideration in the present case.

5. It would be pertinent to mention, that all the petitioners while applying for admission to the MBBS course, under the Sikh minority community quota, submitted their photographs and filed affidavits in the prescribed format. The prescribed format of the affidavit for male and female candidates (enclosed with the prospectus as Appendix D1 and D2, respectively) are being extracted hereunder:

#### AFFIDAVIT

(For male candidates).

I \_\_\_\_\_, son of \_\_\_\_\_ resident of \_\_\_\_\_, do hereby solemnly affirm and state as under:

- (1) That I am Sikh and belong to the Sikh Community.
- (2) That I practice the Sikh Faith;
- (3) That I maintain Sikh appearance and do not cut or trim my hair;
- (4) That I have the word “Singh” affixed to my name;
- (5) That I have faith only in the Ten Sikh Gurus and Sri Guru Granth Sahib;
- (6) That I do not owe allegiance to any other sect or religion.

DEPONENT

#### VERIFICATION

I, the above named deponent, further affirm and declare that the above averment by me is true and correct and that nothing has been concealed by me.

DEPONENT

AFFIDAVIT  
(For female candidates)

I \_\_\_\_\_, daughter of \_\_\_\_\_  
resident of \_\_\_\_\_,  
\_\_\_\_\_ do hereby solemnly affirm  
and state as under:

- (1) That I am Sikh and belong to the Sikh Community;
- (2) That I practice the Sikh Faith;
- (3) That I maintain Sikh appearance and do not cut or trim my hair, including hair on my eyebrows;
- (4) That I have the word "Kaur" affixed to my name;
- (5) That I have faith only in the Ten Sikh Gurus and Sri Guru Granth Sahib;
- (6) That I do not owe allegiance to any other sect or religion.

DEPONENT

VERIFICATION

I, the above named deponent, further affirm and declare that the above averment by me is true and correct and that nothing has been concealed by me.

DEPONENT

The pleadings of the instant writ petition also reveal, that all the petitioners were born in Sikh families. All the petitioners claim that they satisfy all the norms stipulated in the affidavit, and accordingly assert, that they fulfil the conditions of eligibility prescribed for the Sikh minority community.

6. Having passed the 10+2 examination with Physics, Chemistry and Biology, the petitioners asserted their eligibility to participate in the entrance test conducted by the Medical College. They were permitted to take the entrance test. Having taken the test conducted on 18.7.2008, the result whereof was declared on the same day (i.e. 18.7.2008 itself), the petitioners claim their absolute right for admission, to the seats under the Sikh minority community quota, on the basis of their position in the merit list. The inter-se merit of the petitioners viz. those who have been allowed admission, has been placed on the record of this case as Annexure P-3. The Medical College has granted admission to a

candidate placed at merit rank No. 67 in the entrance test, whereas the position of the petitioners in the merit list is at Serial Nos. 7, 9, 40, 40 (Petitioners No. 3 and 4 were clubbed at merit rank No. 40) and 49, respectively.

7. The petitioners have impleaded as respondents, all those who have been admitted to the MBBS course under the Sikh minority community quota, but were below the merit position of one or the other of the petitioners, as they would be adversely affected, in case of success of the present writ petition. The claim of the petitioners superiority, within the Sikh minority quota, over the private respondents, is based on the decision rendered by the Supreme Court in *Islamic Academy of Education Vs. State of Karnataka*, JT 2003(7) SC 1, wherein the Apex Court declared the legal position on the subject under reference in the following words :

“It must be clarified that a minority professional college can admit, in their management quota, a student of their own community /language in preference to a student of another community even though that other student is more meritorious. However, whilst selecting/admitting students of their community/language the inter-se merit of those students cannot be ignored. In other words whilst selecting/admitting students of their own community/language they cannot ignore the inter-se merit amongst students of their community/language. Admission, even of members of their community/language, must strictly be on the basis of merit except that in case of their own students it has to be merit inter-se those students only. Further if the seats cannot be filled up from members of their community/language, then the other students can be admitted only on the basis of merit based on a common entrance test conducted by government agencies.”

8. The claim of the petitioners is vehemently opposed by the Medical College. In the written statement filed on behalf of the Medical College, it is asserted, that while applying for admission to the MBBS course the petitioners had submitted affidavits, that they do not cut or trim their hair. In addition to the aforesaid, it is alleged that in the affidavit filed by female candidates, it was

asserted that they do not pluck hair from their eyebrows. The veracity of the aforesaid affidavits, was considered at the time of counseling on 25.7.2008. The affidavits filed by the petitioners were found to be false. The counseling committee which arrived at the conclusion that the affidavits filed by the petitioners were false, was comprised of senior and responsible members. It was headed by Shri Avtar Singh Makkar, President of the SGPC and Chairman of the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. The counseling committee, amongst others, also comprised of the Principal of the Sri Guru Ram Das Institute of Medical Science and Research, Amritsar, as well as, the Principal of the Sri Guru Ram Das Institute of Dental Sciences and Research, Amritsar. The counseling committee was assisted by male and female doctors. The responsibility assigned to the doctors associated with the counseling committee was, to determine whether students seeking admission under the Sikh minority community quota, were eligible for the same. We were informed that the responsibility of the doctors associated with the counseling committee was to determine whether the candidates in the merit list had maintained "Sikhi swarup" (Sikh appearance). Only such candidates, who had maintained their hair unshorn, were to be accepted as having maintained "Sikhi swarup".

9. The doctors who examined the petitioners at the time of counseling, arrived at the conclusion that they were indulging in trimming their hair in case of male students, and plucking hair of their eyebrows in case of female students. They were, therefore, declared ineligible. It is expressly asserted in the written statement filed by the Medical College, that the entire process of counseling and checking was videographed (for the sake of transparency). During the course of hearing, learned counsel representing the Medical College, offered to make the said videographs available to this Court, in case of any ambiguity/doubt, about the factual assertions (on the issue of trimming of hair/plucking hair of eyebrows). It would, however, be pertinent to mention, that learned counsel representing the petitioners did not contest the veracity of the factual position noticed in the written statement filed on behalf of the Medical College. As such, there was no occasion for us to doubt the correctness of the factual position



relating to trimming of hair/plucking hair of eyebrows, by the petitioners. We therefore, did not require the Medical College to present the videoclippings.

10. It is the contention of the Medical College, that the petitioners were not eligible to be considered under the Sikh Minority community quota as they had not maintained "Sikhi swarup", and were accordingly denied admission under the said quota. It is also asserted on behalf of the Medical College, that the affidavits filed by the petitioners in the prescribed format (extracted hereinabove), were false, and as such, could not be accepted as a valid/genuine basis for their admission to the MBBS course.

11. When the instant writ petition came up for hearing for the first time on 29.7.2008, a Division Bench of this court passed the following order:

"The petitioners applied for admission to the MBBS course in the State of Punjab for the Session 2008-09. The petitioners applied in the Sikh Minority quota. They have been denied admission on the ground that they have trimmed their beard or plucked their eye-brows. Learned counsel submits that the quota fixed is for the members of Sikh community and it does not make any distinction whether a student belongs to Amritdhari, Sehajdhari, Keshadhari or any other category of Sikhs. It is contended that all the petitioners are from Sikh community, therefore, they had to be considered in the 50% quota in the order of merit as laid down by the Hon'ble Supreme Court in Islamic Academy of Education vs. State of Karnataka and others, reported as JT 2003 (7) SC 1, wherein it has been held that even in the minority quota, admissions have to be made strictly in accordance with the merit.

Notice of motion for 11.8.2008.

Process dasti.

The questions regarding the grant of any interim order shall be considered on the next date of hearing."

12. During the course of motion hearing, by an order dated 4.9.2008, this Court permitted the petitioners to implead the State of Haryana, the State of Himachal Pradesh, the Union of India and

the Union Territory of Chandigarh, as party respondents. On 10.9.2008, while admitting the writ petition for regular hearing, this court at the suggestion of the learned counsel representing the petitioners, formulated seven questions of law, which according to the petitioners, required determination at the hands of this court. This Court also permitted the learned counsel representing the respondents to suggest additional questions, which may require determination during the course of the adjudication of the instant writ petition. The seven questions of law framed at the behest of the learned counsel for the petitioners (in the order passed by the Division Bench on 10.9.2008) are being extracted hereunder:

(i) Whether the S.G.P.C. is a Statutory Board in terms of section 40 of the Sikh Gurdwara Act, 1925?

ii) Whether a person who trims, shaves, plucks etc. or otherwise removes or reduces/shortens his/her bodily hair is not a Sikh?

iii) Whether a person who does not include a word 'Singh' (in case of male) and 'Kaur' (in case of female) in his/her name is not a Sikh?

iv) Whether all Amritdhari Sikhs, Sehajdhari Sikhs, Keshadhari Sikhs and Patits are within the larger definition of Sikh as contained in section 2 (9) of Sikh Gurdwara Act, 1925, if not, whether the division of Sikhs into Amritdhari Sikhs, Sehajdhari Sikhs, Keshadhari Sikhs and Patits in section 2(10), 2(10A) 2(11) respectively of the Sikh Gurdwara Act, 1925 is ultra vires the provisions of section 2(9) of the said Act? and whether the classification of Sikhs in 4 categories is a valid classification?

v) Whether reservation of 50 percent seats of Sikh minority quota is available for institutions run by S.G.P.C. only in terms of Government Notification (Annexure P-5)?

vi) Whether the petitioners who are higher in merit than the private respondents can be denied admission on the ground that they cut their hair, trim their beard and remove facial and/or other hair and whether clause 3 note (1), clause 9 and Appendix D-1 and D-2 of the prospectus are illegal and ultra vires the provisions of the The Sikh Gurdwara Act, 1925?

vii) Can a minor student be refused admission if he/she trims, shaves, plucks etc. or otherwise removes or reduces/shortens his/her bodily hair?"

13. The first submission raised on behalf of the petitioners, can be summarised as follows. Firstly, according to the petitioners, the Shiromani Gurdwara Parbandhak Committee (hereinafter referred to as the SGPC) is a Board created under the Sikh Gurdwaras Act, 1925 (hereinafter referred to as the Gurdwara Act of 1925). The SGPC, in terms of the mandate of section 42 of the Gurdwara Act of 1925, is a body corporate, having perpetual succession and a common seal. The aforesaid provision also mandates, that the SGPC can be sued in its name, and likewise, it can sue others. Under Section 106 of the Gurdwara Act of 1925, the funds collected from "Sikh gurdwaras" can be used by the SGPC, inter-alia, for educational purposes. Secondly, it has been urged by the learned counsel for the petitioners, that the SGPC has set up, and is running the respondent – Medical College, out of the aforesaid funds. It is also pointed out, that the management and control of the respondent – Medical College is also in the hands of the SGPC. On the basis of the cumulative effect of the first and the second submissions noticed hereinabove, it is sought to be asserted, that the provisions of the Gurdwara Act of 1925 are binding on the respondent – Medical College. According to the learned counsel for the petitioners, the fact whether or not the petitioners are Sikhs, will have to be determined on the basis of the provisions of the Gurdwara Act of 1925. Accordingly it is submitted, that the petitioners cannot be declared ineligible for admission against the seats reserved for the Sikh minority community, either by the SGPC or by the respondent – Medical College, in violation of the provisions of the Gurdwara Act of 1925. In this behalf, it would also be pertinent to mention, that it is the case of the petitioners, that Note I under the conditions of eligibility and qualifications laid down in the prospectus, for candidates belonging to the Sikh minority community, is in clear violation of the mandate of the definition of the term "Sikh", under section 2 (9) of the Gurdwara Act of 1925. In this behalf, it is pointed out that, all the petitioners must be deemed to profess the Sikh religion in the light of the provisions of the Gurdwara Act of 1925. It is also pointed out, that

all the petitioners had filed affidavits alongwith their application forms, in the format extracted hereinabove, affirming that they were Sikhs. It is asserted that all the petitioners believed only in the ten "Sikh Gurus" and in the Guru Granth Sahib. It is also asserted by the petitioners, that none of them owe allegiance to any other faith, sect or religion. As such, all the petitioners must be deemed to be Sikhs. All the petitioners also assert that they maintain the "Sikhi swarup". It is, therefore, the case of the petitioners that the action of the respondent – Medical College in not allowing the petitioners admission to the MBBS course, under the Sikh minority community quota, despite their higher merit, is unsustainable in law.

14. It is also the case of the petitioners, that the Gurdwara Act of 1925 was amended by the British government in 1944, whereby sections 2 (10), 2(10-A) and 2(11) were added. In this behalf, it is pointed out that from historical facts, it can be established that the British during the course of their rule in India, followed the principle of divide and rule. It is pointed out that the provisions introduced in the Gurdwara Act of 1925 in the year 1944, were aimed at creating a division between the Hindus and Sikhs. The said political philosophy was again brought into play by the British, according to the learned counsel for the petitioners, to divide Sikhs, by classifying them as "amritdhari Sikhs", "sehajdhari Sikhs" and "patits". It is pointed out that "amritdhari Sikhs", "sehajdhari Sikhs" and "patits" are different strains of Sikhs. According to the learned counsel for the petitioners, all the aforesaid strains of Sikhs, fall within the definition of the term "Sikh" under section 2(9) of the Gurdwara Act of 1925. It is reiterated, that it is not open to the authorities to limit admissions to an educational institution, to one or more categories of Sikhs, defined under the Gurdwara Act of 1925. It is submitted that the petitioners are Sikhs within the meaning of section 2(9) of the Gurdwara Act of 1925, and as such, are liable to be considered for admission to the MBBS course at the Medical College under the Sikh minority community quota. It has also been asserted at the hands of the learned counsel for the petitioners, that subsection (10-A) of section 2 of the Gurdwara Act of 1925 cannot be harmoniously read with subsection (9) of section 2 of the Gurdwara Act of 1925. According

to the learned counsel for the petitioners, a harmonious construction of the aforesaid two sub-sections of section 2 aforesaid, is only possible, if clause (iii) of sub-section (10-A) of section 2 aforesaid (“(iii) who is not a patit”), is deleted therefrom. It is pointed out, that even if the petitioners are considered to be “patits” under section 2(11) of the Gurdwara Act of 1925, they should still be treated as Sikhs, and as such, their eligibility under the Sikh minority community quota should not be questioned.

15. It is also claimed by the petitioners, that the respondent – Medical College was declared as a Sikh minority institute, by a notification dated 3.4.2001. The aforesaid notification is being extracted hereunder:

“No. 18/33/2001-GC(6)/4513 dated Chandigarh the 3rd April, 2001.

Whereas in terms of the provisions of the Constitution of India, the Sikhs are a minority community in the country. And whereas the Governor of Punjab is of the opinion that the Sikhs Educational Institutions ought to be treated as Minority Educational Institutions.

Now, therefore, the Governor of Punjab is pleased to declare that the Sikhs Educational Institutions run by the Sikhs Gurdwara Parbandhak Committee, Amritsar can reserve upto fifty percent seats exclusively for the members of the Sikhs community and for furtherance of the interest of the Sikhs community, the aforesaid committee may make reservation within the seats, so reserved.”

Relying on the notification extracted hereinabove, it is submitted on behalf of the petitioners, that while declaring the respondent – Medical College as a minority educational institute, the notification provided for reservation upto 50% of the seats exclusively for the members of the Sikh minority community. As such, it is submitted at the behest of the petitioners, that it is not open to the respondents to curtail the meaning of the term “Sikh” beyond the one envisaged under the notification dated 3.4.2001, so as to exclude some categories of Sikhs, and to allow admission to a minuscule section of the Sikh community i.e. to “keshadhari Sikhs” (i.e. Sikhs who retain their hair unshorn) alone.

16. It is also the submission of the learned counsel for the

petitioners, that the petitioners are minors. Accordingly, even if they cut their hair, trim their beard or pluck the hair of their eyebrows, their acts of alleged indiscretion cannot be held against them, so as to deny them admission, for one or more of the aforestated faults. In this behalf, it is pointed out that all the petitioners were born in Sikh families, follow the Sikh faith and tradition, and do not owe allegiance to any other faith or religion, and as such, cannot be deprived of the benefit of admission under the Sikh minority community quota. On the same reasoning, learned counsel for the petitioners contended, that the purpose of reservation for a religious minority community is to take the specific minority community progressively forward, so that persons following the religious faith find a better place for themselves in society. According to the petitioners, the instant action at the hands of the Medical College limiting seats reserved under the Sikh minority community quota, only for those who maintain their hair unshorn (i.e. who do not trim their hair or do not pluck hair of their eyebrows) would be a retrograde step, and as such, would be against the interest of the minority community itself. Norms which are derogatory to the interest of the majority community, cannot be permitted to be implemented, and therefore, according to the learned counsel for the petitioners, this Court should direct the Medical College to overlook norms of the nature referred to hereinabove. It is submitted that while regulating admissions, to the Medical College under the Sikh minority community quota, those who are more meritorious, rather than those who are less meritorious, should be preferred.

17. Before dealing with the issues pointedly raised at the behest of the learned counsel for the petitioners, it is imperative for us to answer certain objections in respect of the maintainability of the claim raised at the hands of the petitioners. We will, accordingly, deal with the aforesaid issues in the first instance before embarking upon the determination of the claim of the petitioners, on merits. Preliminary Objections raised on the issue of maintainability of the present petition.

18. In the letters we received, we were emphatically warned, that courts had no business to pronounce on beliefs and tenets of the Sikh religion. We were told, that the issue in hand, namely,

whether wearing hair unshorn was an essential component of the Sikh religion, was not for us to decide. We were informed that the issue had been decided at the hands of those vested with the said responsibility under the faith, and thereafter, incorporated in the prospectus issued by the Sri Guru Ram Das Institute of Medical Sciences and Research. We were informed that the Medical College was a Sikh minority institute, and as such, enjoyed a special status under the Constitution of India. In a letter received by us, the tone and tenor was almost bordering on a threat. We were advised that no human institution can define the Sikh religion, and as such, even an attempt should not be ventured in that direction. The letter went on to assert that committees and boards constituted to administer "Sikh gurdwaras" also had no right to define "Sikhism". According to the wisdom of the author of the letter, legislative bodies and courts of law, also cannot be permitted to define the Sikh religion. We were informed that the Medical College was an un-aided educational institute, and as such, its decisions on the issue of admission, including regulation of admissions to students belonging to the Sikh minority community, could not be interfered with. In the first instance, therefore, we shall endeavour to consider whether or not, it is open for a Court to examine aspects of religion. If the answer to the aforesaid question is in the affirmative, we shall then consider, whether or not, a Court can decide what aspects of a particular religion, constitute essentials of that religion, and what do not. We shall then deal with the issue, whether or not, a Court can examine the validity of the parameters laid down by a minority un-aided institute for regulating admissions to the minority community itself. These and other allied issues are necessarily of prime consideration, before we venture to adjudicate upon the merits of the issues raised on behalf of the petitioners.

19. We will first embark on the issue whether it is open to a Court to enter into the arena of "religion" and to decipher the essentials thereof. The word "religion" was attempted to be defined by the Supreme Court in the **Commissioner, Hindu Religious Endowments, Madras Vs. Sri Lakshmindra Thirthas Swamiar of Sri Shirur Mutt**, AIR 1954 SC, 282, wherein the Supreme Court observed as under:

"What then are matters of religion ? The word "religion" has

not been defined in the Constitution and it is a term which is hardly susceptible of any rigid definition. In an American case 'Vide Davis V. Beason, (1888) US 333' at p. 342(G), it has been said:

"that the term religion has reference to one's views of his relation to his Creator and to the obligations they impose of reverence for His Being and character and of obedience to His will. It is often confounded with cultus of form or worship of a particular sect, but is distinguishable from the latter."

We do not think that the above definition can be regarded as either precise or adequate. Articles 25 and 26 of our Constitution are based for the most part upon Article 44(2) of the Constitution of India and we have great doubt whether a definition of "religion" as given above could have been in the minds of our Constitution-makers when they framed the Constitution. Religion is certainly a matter of faith with individuals or communities and it is not necessarily theistic. There are well known religions in India like Buddhism and Jainism which do not believe in God or in any Intelligent First Cause. A religion undoubtedly has its basis in a system of beliefs or doctrines which are regarded by those who profess that religion as conducive to their spiritual well being, but it would not be correct to say that religion is nothing else, but a doctrine or belief. A religion may not only lay down a code of ethical rules for its followers to accept, it might prescribe rituals and observances, ceremonies and modes of worship which are regarded as integral parts of religion, and these forms and observances might extend even to matters of food and dress."

Another attempt by the Supreme Court to define the word "religion" was made in *S.P. Mittal Vs. Raghubir and others*, AIR 1983 SC 1, wherein it was observed as under:

"Quite a considerable part of the hearing of the petitions was devoted to a debate on the question, what is Religion? Religion: Everyone has a religion, or at least, a view or a window on religion, be he a bigot or simple believer, philosopher or pedestrian, atheist or agnostic. Religion, like



democracy' and 'equality' is an elusive expression, which everyone understands according to his pre-conceptions. What is religion to some is pure dogma to others and what is religion to others is pure superstition to some others. Karl Marx in his contribution to the Critique of Hegel's Philosophy of Law described religion as the 'Opium of the people'. He said further "Basically religion is a very convenient sanctuary for bourgeois thought to flee to in times of stress." Bertrand Russell, in his essay 'Why I am not Christian', said, "Religion is based, I think, primarily and mainly upon fear. It is partly the terror of the unknown and partly, as I have said, the wish to feel that you have a kind of elder brother, who will stand by you in all your troubles and disputes. Fear is the basis of the whole thing-fear of the mysterious, fear of defeat, fear of death. Fear is the parent of cruelty, and, therefore, it is no wonder if cruelty and religion have gone hand in hand. As a worshipper at the alter of peace, I find it difficult to reconcile myself to religion, which throughout the ages, has justified war calling it a Dharma Yuddha, a Jihad or a Crusade. I believe that by getting mixed up with religion, ethics has lost 'much of its point, much of its purpose and a major portion of its spontaneity'. I apprehend I share the views of those who have neither faith nor belief in religion and who consider religion as entirely unscientific and irrational. Chanting of prayer appears to me to be mere jingoism and observance of ritual, plain superstition. But my views about religion, my prejudices and my predilections, if they be such, are entirely irrelevant. So are the views of the credulous, the fanatic, the bigot and the zealot. So also the views of the faithful, the devout, the Acharya, the Moulvi, the Padre and the Bhikshu each of whom may claim his as the only true or revealed religion..." "Etymology is of no avail. Religion is derived from 'religare' which means 'to bind'. Etymologically, therefore, every bond between two people is a religion, but that is not true. To say so is only to indulge in etymological deception. Quite obviously, religion is much more than a mere bond uniting people. Quite obviously, again, religion is not to be confined to the traditional,

established, well-known or popular religions like Hinduism, Mohammadanism, Buddhism and Christianity. There may be and, indeed, there are, in this vast country, several religions, less known or even unknown except in the remote corners or in the small pockets of the land where they may be practiced. A religion may not be wide-spread. It may have little following. It may not have even a name, as indeed most tribal religions do not have. We may only describe them by adding the suffix 'ism' to the name of the founder-teacher, the tribe, the area or the deity. The nomenclature is not of the essence. Again, a band of persons, large or small, may not be said to be adherents of a religion merely because they share some common beliefs and common interests and practice common rites and ceremonies; nor can pietistic recitation and solemn ritual combine to produce religion, on that account only. Secret societies dedicated to secular tasks and indulging in queer oaths and observances, guilds and groups of persons who meet but to dine and wine but who subject their members to extravagant initiation ceremonies, village and tribal sorcerers and coven of witches who chant rant and dance in the most weird way possible are all far removed from religion. They appear to lack the 'spiritual connection'. But, all this is unsatisfactory. We are not arriving at any definition of religion. We are only making peripheral journeys and not getting any nearer to the core of the problem presented to us." "It is obvious that religion, undefined by the Constitution, is incapable of precise judicial definition either. In the background of the provisions of the Constitution and the light shed by judicial precedent, we may say religion is a matter of faith. It is a matter of belief and doctrine. It concerns the conscience i.e. the spirit of man. It must be capable of overt expression in word and deed, such as, worship or ritual. So, religion is a matter of belief and doctrine, concerning the human spirit, expressed overtly in the form of ritual and worship. Some religions are easily identifiable as religions, some are easily identifiable as not religions. There are many in the penumbral region which instinctively appear to some as religion and to others as not

religions. There is no formula of general application. There is no knife-edge test. Primarily, it is a question of the consciousness of the community, how does the fraternity or sodality (if it is permissible to use the word without confining it to Roman Catholic groups) regard itself, how do others regard the fraternity or sodality. A host of other circumstances may have to be considered, such as, the origin and the history of the community, the beliefs and the doctrines professed by the community, the rituals observed by the community, what the founder, if any, taught, what the founder was understood by his followers to have taught, etc. In origin, the founder may not have intended to found any religion at all. He may have merely protested against some rituals and observances; he may have disagreed with the interpretation of some earlier religious tenets. What he said, what he preached and what he taught, his protest, his dissent, his disagreement might have developed into a religion in the course of time, even during his life-time. He may be against religion itself, yet, history and the perception of the community may make a religion out of what was not intended to be a religion and he may be hailed as the founder of a new religion. There are the obvious examples of Buddhism and Jainism and for that matter Christianity itself. Neither Buddha nor Mahavira, nor Christ ever thought of founding a new religion, yet three great religions bear their names."

With the aforestated outline of the meaning of the word "religion", Justice O Chinnappa Reddy, while recording the minority view, concluded that Shri Aurobindo had founded a new religious denomination, and that, religious leaders all over the world, and of all faiths, also accepted the said position. The majority view in the aforesaid case was recorded by Justice R.B. Misra. The majority defined the word "religion" as under:

"The word 'religion' has not been defined in the Constitution and indeed it is a term which is hardly susceptible of any rigid definition. In reply to a question on Dharma by Yaksha, Dharmaraja Yudhisthira said thus:

*tarko pratisth, sruty vibhinna  
neko risiyasya matan pramanam*

*dharmaya tatwan nihitan guhayan  
mahajano jein gatah sa pantha*

Mahabharata-Aranyakaparvan 313.117.

(Formal logic is vascillating. Srutis are contradictory. There is no single rishi whose opinion is final. The principle of Dharma is hidden in a cave. The path of the virtuous persons is the only proper course.)

The expression 'Religion' has, however, been sought to be defined in the 'Words and Phrases', Permanent Edn., 36 A, p. 461 onwards, as given below:

"Religion is morality, with a sanction drawn from a future state of rewards and punishments."

The term 'religion' and 'religious' in ordinary usage are not rigid concepts.

'Religion' has reference to one's views of his relations to his Creator and to the obligations they impose of reverence for his being and character, and of obedience to his will.

The word 'religion' in the primary sense (from 'religare, to rebind-bind back), imports, as applied to moral questions, only a recognition of a conscious duty to obey restraining principles of conduct. To such sense we suppose there is no one who will admit that he is without religion.

'Religion' is a bond uniting man to God, and virtue whose purpose is to render God worship due to him as source of all being and principle of all government of things.

'Religion' has reference to man's relation to divinity; to the moral obligation of reverence and worship, obedience and submission, It is the recognition of God as an object of worship, love and obedience; right feeling toward God, as highly apprehended.

'Religion' means the services and adoration of God or a god as expressed in forms of worship; an apprehension, awareness, or conviction of the existence of a Supreme Being; any system of faith, doctrine and worship, as the Christian religion, the religions of the orient; a particular system of faith or worship.

The term 'religion' as used in tax exemption law, simply includes: (I) a belief, not necessarily referring to supernatural

powers; (2) a cult, involving a gregarious association openly expressing the belief; (3) a system of moral practice directly resulting from an adherence to the belief; and (4) an organization within the cult designed to observe the tenets or belief, the content of such belief being of no moment. While 'religion' in its broadest sense includes all forms of belief in the existence of superior beings capable of exercising power over the human race, as commonly accepted, it means the formal recognition of God, as members of societies and associations, and the term, 'a religious purpose', as used in the constitutional provision exempting from taxation property used for religious purposes, means the use of property by a religious society or body of persons as a place for public worship.

'Religion' is squaring human life with superhuman life. Belief in a superhuman power and such an adjustment of human activities to the requirements of that power as may enable the individual believer to exist more happily is common to all 'religions'. The term 'religion' has reference to one's views on his relations to his creator, and to the obligations they impose of reverence for his being and character and obedience to his will.

The term 'religion' has reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to his will. With man's relations to his Maker and the obligations he may think they impose, and the manner in which an expression shall be made by him of his belief on those subjects, no interference can be permitted, provided always the laws of society, designed to secure its peace and prosperity, and the morals of its people, are not interfered with."

These terms have also been judicially considered in *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt* (1954) SCR 1005: (AIR 1954 SC 282) where in the following proposition of law have been laid down:

(1) Religion means "a system of beliefs or doctrines which

are regarded by those who profess that religion as conducive to their spiritual well-being.

- (2) A religion is not merely an opinion, doctrine or belief. It has its outward expression in acts as well.
- (3) Religion need not be theistic.
- (4) "Religious denomination" means a religious sect or body having a common faith and organisation and designated by a distinctive name.
- (5) A law which takes away the rights of administration from the hands of a religious denomination altogether and vests in another authority would amount to violation of the right guaranteed under clause (d) of Article 26."

On the basis of the detailed examination of the philosophical preachings of Shri Aurobindo, and the definition of the word "religion", the majority concluded that Shri Aurobindo had not founded a new religion.

20. A detailed analysis of the practices followed by Aurobindoites was a prerequisite for the Apex Court in S.P. Mittal's case (supra) to arrive at a conclusion, one way or the other, whether Shri Aurobindo had founded a "religion" wherein the practice under consideration were an essential component. A similar detailed examination is required to determine the mandatory or directory nature of a practice, in every such case, where a controversy as the one under consideration in the present case, arises for consideration. Stated simply, in case of a conflict, a Court must enter the religious thicket to determine the do's and the don'ts of a religion. Views of spokespersons of the religion involved would have to be examined to determine the matter, in case the tenets thereof are not codified. And in case, the religion in question has a writing text, then text thereof is the best resource, for such a determination. But then "religion" cannot be perceived on parameters, like science and logic. The choice of something which is forward-looking or non-fundamentalist, may certainly not be right, but in so far as norms of a religion are concerned, the issue is not of logic but of faith. The acceptance of an egalitarian approach, would spell disaster to the "religion" in question.

Looking for an approach which would make a religion more acceptable to the present social order, or the presently acceptable humanistic approach, is what those professing a religion would like to resist. Religion has to be perceived, not as liberals and as others think of it, but as it is, without any change or modifications.

21. Having heard learned counsel for the rival parties over a few days, we have been led to believe that every "religion" is based on myths, ethos, legend and traditions supported by beliefs and fables. A religion is the characteristic spirit of a community of people with a common goal. Every religion without exception has beliefs and practices, which its followers accept without any challenge, even though they may seem to be outrageous to those belonging to another religion (whether on the touchstone of a scientific study, or on that of logic). All these aspects (myths, ethos, legends, beliefs, fables etc.) of religion when clubbed together constitute a religious consciousness. Irrespective of the logical acceptability of some of these characteristics, no religion allows its consciousness to be invaded or questioned. Undoubtedly, religious consciousness is a cherished philosophy binding the believers into a defined religion. This religious consciousness wraps up the followers of a faith into a separate social entity. An entity, which does not accept interference or tinkering. The followers of the faith do not allow their beliefs to be questioned. Religion must, therefore, be perceived as it is, and not as another would like it to be. It is this spirit of religious consciousness that is sought to be protected by various provisions of the Constitution of India.

22. The significance of protection extended to religious consciousness under the provisions of the Constitution of India, is apparent from the fact that the provisions relating thereto are contained in Part III of the Constitution of India, which delineates the fundamental rights extended to all persons (in some cases, limited to citizens alone) in their relationship with the State. Reference may be made to Articles 25 to 28 under the heading "Right to Freedom of Religion", and Articles 29 and 30 under the heading "Cultural and Educational Rights".

23. Insofar as, the present controversy is concerned, it will be necessary only to refer to Articles 25, 26 and 30 of the Constitution of India. Article 25 of the Constitution of India, as its language

suggests, secures to every person the right to freely profess, practice and propagate "religion". In, the Commissioner, Hindu Religious Endowments' case (supra), the scope of Article 25 was explained as under in paragraph 14:

"14. We now come to Article 25 which, as its language indicates, secures to every person, subject to public order, health and morality, a freedom not only to entertain such religious belief, as may be approved of by his judgment and conscience, but also to exhibit his belief in such outward acts as he thinks proper and to propagate or disseminate his ideas for the edification of others..."

In paragraph 18 of the same judgement, the Court further noticed as under:

"18. The guarantee under our Constitution not only protects the freedom of religious opinion but it protects also acts done in pursuance of a religion and this is made clear by the use of the expression 'practice of religion' in Article 25...

Restrictions by the State upon free exercise of religion are permitted both under Articles 25 and 26 on grounds of public order, morality and health. Clause (2)(a) of Article 25 reserves the right of the State to regulate or restrict any economic, financial, political and other secular activities which may be associated with religious practice and there is a further right given to the State by sub-clause (b) under which the State can legislate for social welfare and reform even though by so doing it might interfere with religious practices..."

Article 26 of the Constitution of India allows every religious denomination to establish and maintain institutions for religious and charitable purposes. The provision also allows a religious denomination to manage its own affairs in "matters of religion." Liberty is also extended to religious denominations to own and acquire immovable property, as also, to administer such property. In, the Commissioner, Hindu Religious Endowments' case (supra), the Supreme Court distinguished the scope and effect of the right guaranteed for administering property of a religious denomination, from the right to manage "matters of religion" in the following manner:



"The other thing that remains to be considered in regard to Article 26 is, what is the scope of clause (b) of the Article which speaks of management " of its own affairs in matters of religion ?" The language undoubtedly suggests that there could be other affairs of a religious denomination or a section thereof which are not matters of religion and to which the guarantee given by this clause would not apply. The question is, whereas the line to be drawn between what are matters of religion and what are not?

It will be seen that besides the right to manage its own affairs in matters of religion, which is given by clause (b), the next two clauses of Article 26 guarantee to a religious denomination the right to acquire and own property and to administer such property in accordance with law. The administration of its property by a religious denomination has thus been placed on a different footing from the right to manage its own affairs in matters of religion. The latter is a fundamental right which no legislature can take away, whereas the former can be regulated by laws which the legislature can validly impose. It is clear, therefore, that questions merely relating to administration of properties belonging to a religious group or institution are not matters of religion to which clause (b) of the Article applies.."

24. What constitutes "matters of religion" can also be determined from the following observations recorded in the aforesaid pronouncement:

"...In the first place, what constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of that religion itself. If the tenets of any religious sect of the Hindus prescribe that offerings of food should be given to the idol at particular hours of the day, that periodical ceremonies should be performed in a certain way at certain periods of the year or that there should be daily recital of sacred texts or ablutions to the sacred fire, all these would be regarded as parts of religion and the mere fact that they involve expenditure of money or employment of priests and servants or the use of marketable commodities would not make them secular activities partaking of a commercial or

economic character; all of them are religious practices and should be regarded as matters of religion within the meaning of Article 26(b)."

Having travelled the aforesaid terrain, the Apex Court concluded by recording:

"...freedom of religion in our Constitution is not confined to religious beliefs only; it extends to religious practices as well subject to the restrictions which the Constitution itself has laid down. Under Article 26(b), therefore, a religious denomination or organization enjoys complete autonomy in the matter of deciding as to what rites and ceremonies are essential according to the tenets of the religion they hold and no outside authority has any jurisdiction to interfere with their decision in such matters."

The words "of their own choice" classifying the right vested in a religious minority to establish and administer educational institutions, must be visualized in a manner so as to determine how the religious consciousness views itself. In determining the right conferred under Article 30 of the Constitution of India, it is essential to determine the salient features of the religious consciousness, not from the touchstone of a general perception of the faith in question, but on the clearly prescribed, and the consciously and persistently followed traits thereof. Therefore, it would be a matter of defeating the right conferred upon a religious minority institution not to determine the tenets of a religious consciousness. We, therefore, hereby conclude that it is within the jurisdiction of courts to adjudicate upon issues of religion.

25. We must not falter so as to overlook, an objection raised by the respondents, that it is not within our domain to determine, whether or not, the Sikh religion prescribes (for its followers) the tenet of keeping bodily hair unshorn. In our view, nothing could be more preposterous. It would be impossible to determine the rights flowing under Article 30 of the Constitution of India, till a Court first determines, whether or not, the concerned educational institution is being administered by a "religious minority" or a "linguistic minority". The Supreme Court examined, to the minutest detail, different aspects of Aurobindoism, to record a finding (by majority) that Shri Aurobindo did not propound a

religion, in Commissioner, Hindu Religious Endowments' case (supra), relevant extracts whereof have already been reproduced above. In *St. Stephen's College Vs. University of Delhi* (1992), SCC 558, the Apex Court delineated the questions proposed to be answered, in paragraph 17 of the judgement in the following words:

"17. A great many questions were debated before us in the course of hearing. The important issues can be grouped under three main heads:

First : Whether St. Stephen's College is a minority-run institution?

Second: Whether St. Stephen's College as minority institution is bound by the University circulars dated June 5, 1980 and June 9, 1980 directing that the College shall admit students on the basis of merit of the percentage of marks secured by the students in the qualifying examinations?

Third : Whether St. Stephen's College and the Allahabad Agricultural Institute are entitled to accord preference to or reserve seats for students of their own community and whether such preference or reservation would be invalid under Article 29(2) of the Constitution?"

While debating on the first question raised in the excerpt reproduced above, the Supreme Court, referring to the origin, and the object for which the petitioner – College was set up, examined even the nature of the buildings where the college was housed from time to time, it also examined the constitution and the rules of management of the college, so as to conclude in paragraph 46, that the St. Stephen's College was established and administered by a minority community, viz., the Christian community, which indisputably is a religious minority in India, as well as, in the territory of Delhi, where the college is located.

26. While deciding the second question, the Supreme Court after examining a number of its earlier judgements, noticed as under in paragraph 61:

"61. In the instant case also the impugned directives of the University to select students on the uniform basis of marks secured in the qualifying examinations would deny the right

of St. Stephen's College to admit students belonging to Christian community. It has been the experience of the College as seen from the chart of selection produced in the case that unless some concession is provided to Christian students they will have no chance of getting into the college. If they are thrown into the competition with the generality of students belonging to other communities, they cannot even be brought within the zone of consideration for the interview. Even after giving concession to a certain extent, only a tiny number of minority applicants would gain admission. This is beyond the pale of controversy."

The second question, came to be then answered in paragraph 66, wherein it was concluded, that St. Stephen's College had the right to determine the manner of making admissions by adopting a legally legitimate procedure, and that, it was not bound to regulate admission of students on the basis of the University circulars.

27. The answer to the third question relating to "minority rights" required a substantive examination of the history of minority rights. Whereupon, the Apex Court recorded its conclusion in paragraph 102 as under:

"102. In the light of all these principles and factors, and in view of the importance which the Constitution attaches to protective measures to minorities under Art. 30(1), the minority aided educational institutions are entitled to prefer their community candidates to maintain the minority character of the institutions subject of course in conformity with the University standard. The State may regulate the intake in this category with due regard to the need of the community in the area which the institution is intended to serve. But in no case such intake shall exceed fifty per cent. of the annual admission. The minority institutions shall make available at least fifty per cent of the annual admission to members of communities other than the minority community. The admission of other community candidates shall be done purely on the basis of merit."

As a matter of fact, the Supreme Court in *Acharaya Jagdishwaranand Avadhuta etc. Vs. Commissioner of Police, Calcutta* and another, AIR 1984 SC 51, expressly held that courts

have the power to determine whether a particular rite or observance is regarded as essential by the tenets of that religion. The Apex Court in Jagdishwaranand's case (*supra*) examined whether the 'tandava dance' performed by the Ananda Margis was a part of their religious rites. The conclusion on the matter was recorded in paragraph 12 of the judgement, which is being extracted hereunder:

"The question for consideration now, therefore, is whether performance of Tandava dance is a religious rite or practice essential to the tenets of the religious faith of the Ananda Margis. We have already indicated that tandava dance was not accepted as an essential religious rite of Ananda Margis when in 1955 the Ananda Marga order was first established. It is the specific case of the petitioner that Shri Ananda Murti introduced tandava as a part of religious rites of Ananda Margis later in 1966. Ananda Marga as a religious order is of recent origin and tandava dance as a part of religious rites of that order is still more recent. It is doubtful as to whether in such circumstances tandava dance can be taken as an essential religious rite of the Ananda Margis. Even conceding that it is so, it is difficult to accept Mr. Tarkunde's argument that taking out religious processions with tandava dance is an essential religious rite of Ananda Margis. In paragraph 17 of the writ petition the petitioner pleaded that 'Tandava Dance lasts for a few minutes where two or three persons dance by lifting one leg to the level of the chest, bringing it down and lifting the other.' In paragraph 18 it has been pleaded that 'when the Ananda Margis greet their spiritual preceptor at the airport, etc., they arrange for a brief welcome dance of tandava wherein one or two persons use the skull and symbolic knife and dance for two or three minutes.' In paragraph 26 it has been pleaded that 'Tandava is a custom among the sect members and it is a customary performance and its origin is over four thousand years old, hence it is not a new invention of Ananda Margis.' On the basis of the literature of the Ananda Marga denomination it has been contended that there is prescription of the performance of tandava dance by every follower of Ananda

Marga. Even conceding that tandava dance has been prescribed as a religious rite for every follower of the Ananda Marga it does not follow as a necessary corollary that tandava dance to be performed in the public is a matter of religious rite. In fact, there is no justification in any of the writings of Shri Ananda Murti that tandava dance must be performed in public. At least none could be shown to us by Mr. Tarkunde despite an enquiry by us in that behalf. We are, therefore, not in a position to accept the contention of Mr. Tarkunde that performance of tandava dance in a procession or at public places is an essential religious rite to be performed by every Ananda Margi."

It is, therefore, apparent that before the adjudication of the rights flowing out of Articles 29 and 30, if it is necessary to settle any other intervening issues, and that, it is open to a court to consider and decide the same. We, accordingly, hereby conclude that it is within the jurisdiction of this Court to decide, whether or not, keeping one's hair unshorn is an essential tenet of the Sikh religion.

28. The entire objective of the framers of the Constitution of India, in so far as minority rights are concerned, was to afford them adequate protection. A measure adopted to preserve the respective "religious minority" or "linguistic minority" as it existed. Equality is the cherished touchstone of an egalitarian society. The preservation of the right to equality for the different shades of minorities, was sought to be attempted in the different provisions of Chapter III of the Constitution of India. Expression was given to the aforesaid provisions by the Supreme Court in **St. Xaviers College Vs. State of Gujarat, AIR 1974 SC 1389**. Justice Mathew, while supporting the majority view, expressed the basis of the protection afforded to minorities in the following words:

"It is necessary in the interest of clarity of thought to begin with an understanding of the real reason for protection of minorities in a democratic polity.

'Protection of minorities is the protection of non-document groups, which, while wishing in general for equality of treatment with the majority, wish for a measure of differential treatment in order to preserve basic characteristics which they possess and which

distinguish them from the majority of the population. The protection applies equally to individuals belonging to such groups and wishing the same protection. It follows that differential treatment of such groups or of individuals belonging to such groups is justified when it is exercised in the interest of their contentment and the welfare of the community as a whole.' The recommendation by the Sub-Commission in its report to the Commission on Human Rights – quoted at p. 27 of 'Minority Protection and International Bill of Human Rights' By Urmila Haksar."

The problem of the minorities is not really a problem of the establishment of equality because if taken literally, such equality would mean absolute identical treatment of both the minorities and the majorities. This would result only in equality in law but inequality in fact. The distinction need not be elaborated for it is obvious that

"equality in law precludes discrimination of any kind; whereas equality in fact may involve the necessity of differential treatment in order to attain a result which establishes an equilibrium between different situations."

It may sound paradoxical but it is nevertheless true that minorities can be protected not only if they have equality but also, in certain circumstances, differential treatment.

Over one and a half decades ago, Chief Justice Das led this Court in holding that without recognition, the educational institutions established or to be established by the minority communities cannot fulfil the real objects of their choice and that the right under Article 30 (1) cannot be effectively exercised. He said that the right to establish educational institutions of their choice means the right to establish real institutions which will effectively serve the needs of their community and the scholars who resort to their educational institutions and that though there is no such thing as a fundamental right to recognition by the State, yet to deny recognition to the educational institutions except upon terms tantamount to the surrender of their constitutional right of administration of the educational institutions of their choice

is in truth and in effect to deprive them of their rights under Article 30 (1) (see *In re: The Kerala Education Bill, 1957*, 1959 SCR 995 = (AIR 1958 SC 956) (supra).

The reason why the Constitution-makers were at pains to grant religious minorities the fundamental right to establish and administer educational institutions of their choice is to give the parents in those communities an opportunity to educate their children in institutions having an atmosphere which is congenial to their religion. Whatever be one's own predilections, those who think that man does not live by bread alone 1434 but also by the word that comes from God cannot remain indifferent to the problem of religion in relation to and as part of education.

As a matter of fact, according to several religious minorities, the State maintains a system of schools and colleges which is not completely satisfactory to them, inasmuch as no place is given to religion and morality. The sheer omission of religion from curriculum is itself a pressure against religion. Since they realize that the teaching of religion and instruction in the secular branches cannot rightfully or successfully be separated one from the other, they are compelled to maintain their own system of schools and colleges for general education as well as for religious instruction.

"It is important to examine the *raison d'être* of educational institutions administered by religious groups. Clearly, their establishment does not come about because of a deep conviction that such institutions will be able to teach the facts of literature, geography or mathematics better than State schools. Rather, such schools are started with a primarily religious objective - to secure the opportunity for direct religious instruction and to develop a religious atmosphere and view point even for the study of literature, geography and mathematics. In other words, a religious body establishes and maintains schools in order to create a total environment which will be favourable to the promotion of its particular religious 'values'. See *India as a Secular State* by Donald Eugene Smith, p. 361."



It is perhaps, possible to secularize subjects such as Mathematics, Physics or Chemistry, but as Justice Jackson said:

"Music without sacred music, architecture minus the cathedral or painting without the scriptural themes would be eccentric and incomplete, even from a secular point of view. Yet the inspirational appeal of religion in these guises is often stronger than in forthright sermon. Even such a 'science' as biology raises the issue between evolution and creation as an explanation of our presence on this planet....But how one can teach, with satisfaction or even with justice to all faiths, such subjects as the story of the Reformation, the Inquisition is more than one can understand. It is too much to expect that mortals will teach subjects about which their contemporaries have passionate controversies with the detachment they summon to teaching about remote subjects such as 'Confucius or Mohamet'. See the opinion of Justice Jackson in *McCollum v. Board of Education*, (1947) 333 US 203."

The State cannot insist that the children belonging to the religious minority community should be educated in State maintained educational institutions or in educational institutions conducted by the majority. The State's interest in education, so far as religious minorities are concerned, would be served sufficiently by reliance on secular education accompanied by optional religious training in minority schools and colleges, if the secular education is conducted there according to the prescribed curriculum and standard.

"Article 28 (3) implies that a religious minority administering an educational institution imparting general secular education has the liberty to provide for religious education in the institution. The continued willingness to rely on colleges conducted by religious or linguistic minorities for imparting secular education strongly suggests that a wide segment of informed opinion has found that these colleges do an acceptable job of providing secular education. The State,

concededly, has power to regulate and control the education of its children, but it cannot, by a general law compelling attendance at public school or college, preclude attendance at the school or college established by the religious minority when the parents seek to secure the benefit of religious instruction not provided in public schools. The parents have the right to determine to which school or college their children should be sent for education."

In this behalf, it is pertinent to mention, that exactly the instant contention, as has been projected by the learned counsel for the petitioners, was accepted by the Allahabad High Court in favour of candidates who claimed a superior right on the basis of their higher position in the merit list. The matter was carried to the Supreme Court and came to be disposed of in *St. Stephen's College Vs. University of Delhi* (1992) 1 SCC 558. The Apex Court while rejecting the view expressed by the High Court, observed:

"Before grappling with the issue, we may turn to the decision of the High Court of Allahabad which is under appeal before us. The students were denied admission though they had secured a high percentage of marks in the competitive test held by the Institute. The denial was in view of the fact that a large number of seats had been reserved for Church sponsored candidates and tribals. The contention of the petitioners was that the reservation was violative of Article 29(2) since it was based on religion. The High Court accepted the contention and inter alia, held that the denial of admission to more merited candidates on the ground of religion was impermissible. The institution also could not reserve seats for members of its community. The constitutional concept of religious autonomy in education in Art. 30(1) has to be balanced with the constitutional guarantee under Article 29(2). Both the Articles operate in the same field namely; educational institutions. The right guaranteed to minorities under Art. 30(1) to establish and administer educational institutions of their choice cannot be read in isolation, and it has to be interpreted in a manner that it does not destroy the right in Art. 29(2). The High Court has finally

observed that the right of admission which vests in an institution by virtue of the power of administration under Article 30(1) cannot be in violation of Art. 29(2).

It seems to us that the High Court has followed the liberal individualist theory. The liberal individualist theory is generally the Western political theory since the period of the American and French revolutions. The High Court gave little or no attention to the positive minority rights with respect to language, religion, education and cultural rights guaranteed under the Constitution. It has failed to consider the predominating emphasis expressed in Article 30(1). It has overlooked the difference in perspective underlying in Articles 29(2) and 30(1)."

The importance of the right envisaged under Article 30 of the Constitution of India was highlighted by the Supreme Court by comparing the same with Article 29 of the Constitution of India. In this behalf, the Supreme Court in *St. Stephen's College's case* (supra) noticed in paragraph 78 as under:

"78. Having set the scene, we can deal with the provisions of Articles 29(1) and 30(1) relatively quickly. Under Article 29(1) every section of the citizens having a distinct language, script or culture of its own has the right to conserve the same. Under Article 29(1), the minorities - religious or linguistic - are entitled to establish and administer educational institutions to conserve their distinct language, script or culture. However, it has been consistently held by the Courts that the right to establish an educational institution is not confined to purposes of conservation of language, script or culture. The rights in Article 30(1) are of wider amplitude. The width of Article 30(1) can not be cut down by the considerations on which Article 29 (1) is based. The words 'of their choice' in Article 30(1) leave vast options to the minorities in selecting the type of educational institutions which they wish to establish. They can establish institutions to conserve their distinct language, script or culture or for imparting general secular education or for both the purposes."

Illustrating the matter of preservation of minority rights in paragraph 85, the Supreme Court observed:

"85. The fact that Article 29(2) applies to minorities as well as non-minorities does not mean that it was intended to nullify the special right guaranteed to minorities in Article 30 (1). Article 29 (2) deals with non-discrimination and it is available only to individuals. The general equality by non-discrimination is not the only goal of minorities. The minorities rights under the majority rule implies more than non-discrimination and indeed, it begins with non-discrimination. Protection of interests and institutions and advancement of opportunity are just as important. Differential treatment that distinguishes them from the majority is a must to preserve their basic characteristics. To be blunt, black men do not wish to be white. Jews do not wish to be Protestants. Serbs do not want to be Croats. French Canadians do not want to lose their French heritage. There are many other instances, including the Corsicans in France, the Irish Catholics in Ulster, the French Canadians in Quebec, the Albanians in Kosovo Yugoslavia, the Tamils in Sri Lanka, the Islamic separatists in the Phillipines, and the Animist and Christian minorities in southern Sudan. The problem in India is not quite different. India is a multi-cultural and multi-religious society. It is an extraordinary pluralistic and complex society with different religious minorities. Besides there are linguistic aspirations and caste considerations. There may be individuals in the 1660 minority groups who want to assimilate into the majority, but the group itself has a collective interest for nonassimilation. It is interested in the preservation and promotion as a community. This appears to be the chief reason for which Article 30 (1) was incorporated as a fundamental right. Article 27 of the International Covenant on Civil and Political Rights (1966) also lays a foundation in this regard. It states:

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

The question whether Article 30 gives the right to minorities to prefer candidates belonging to the "religious minority" which had established the institution and was administering the same, was posed in paragraph 90 of the judgement in St. Stephen's College's case (supra) and concluded in paragraph 102. The conclusion recorded by the Supreme Court is being reproduced hereunder:

"In the light of all these principles and factors, and in view of the importance which the Constitution attaches to protective measures to minorities under Art. 30(1), the minority aided educational institutions are entitled to prefer their community candidates to maintain the minority character of the institutions subject of course in conformity with the University standard. The State may regulate the intake in this category with due regard to the need of the community in the area which the institution is intended to serve. But in no case such intake shall exceed fifty percent of the annual admission. The minority institutions shall make available at least fifty percent of the annual admission to members of communities other than the minority community. The admission of other community candidates shall be done purely on the basis of merit."

The declared legal position is, therefore, clear i.e. a religious minority institution can reserve seats to be filled up by the candidates belonging to the said minority community alone. The conclusion in respect of reservation of seats for a minority, in a minority institution, recorded in St. Xaviers College's case (supra) was affirmed by the Supreme Court in TMA Pai Foundation Vs. State of Karnataka, (2002)8 SCC 481 with some modifications. The majority view on this aspect of the matter held as under:

"The right of the aided minority institution to preferably admit students of its community, when Art. 29(2) was applicable, has been clarified by this Court over a decade ago in the St. Stephen's College case. While upholding the procedure for admitting students, this Court also held that aided minority educational institutions were entitled to preferably admit their community candidates so as to maintain the minority character of the institution, and that the State may regulate the intake in this category with due

regard to the area that the institution was intended to serve, but that this intake should not be more than 50% in any case. Thus St. Stephen's endeavoured to strike a balance between the two articles. Though we accept the ratio of St. Stephen's, which has held the field for over a decade, we have compelling reservations in accepting the rigid percentage stipulated therein. As Art. 29 and Art. 30 apply not only to institutions of higher education but also to schools, a ceiling of 50% would not be proper. It will be more appropriate that, depending upon the level of the institution, whether it be a primary or secondary or high school or a college, professional or otherwise, and on the population and educational needs of the area in which the institution is to be located, the State properly balances the interests of all by providing for such a percentage of students of the minority community to be admitted, so as to adequately serve the interest of the community for which the institution was established."

29. In our quest to search for the significance of the "kesh/keshas" (hair) for the Sikh religion, we would be examining the issue under reference under a series of heads, including the historical background of the Sikh religion, legislative enactments involving the Sikh religion, the "Sikh Rehat-Maryada" (i.e. code of Sikh conduct and conventions) the "Sikh Ardas", the Guru Granth Sahib, as also, the views expressed by experts on the subject of Sikhism, besides the opinion of interveners.

### Historical background, and Legislative enactments involving the Sikh religion: The Gurdwaras Act, 1922.

30. The historical background relating to the administration of "Sikh gurdwaras" (Sikh temples) which lead to the enactment/promulgation of the Gurdwara Act of 1925, we were told, would go a long way in our pursuit to determine the right answer, to the present controversy. In order to trace historical facts, reference must be made to the views expressed by Professor Ruchi Ram Sahni, in his book captioned "Struggle for Reform in Sikh Shrines" (published in 1960 by Sikh Itihas Research Board) which notices as under:

"During the time of the Sikh Gurus themselves, the 'gurdwaras' were either under their direct supervision and control or under their Masands (missionary agents). After the tenth Guru, when the Panth (community) was recognized, as a matter of doctrine, as the corporate representative of the Guru on earth, the conduct of the Gurdwaras naturally passed into the hands of the Panth and was exercised through Granthis and other Sewadars (incumbents) who were under the direct supervision of the Local Sangats (congregations)." "In Maharaja Ranjit Singh's time Sikhism became the State religion. Large estates were attached to the more important Gurdwaras though some Jagirs had also been granted the more liberal among other Mughal Emperors – Throughout the pre-British times the Sangats (congregation) were supposed to be in charge of the Gurdwaras. They exercised the right to punish anyone who happened to transgress the social and religious injunctions of the faith."

The same author describes the condition of 'Sikh gurdwaras' on the advent of British Rules in the following words:

"After the establishment of the British rule (1849), a radical change came about in the legal position of the Mahants in respect of the 'gurdwaras'. The new law in its practical working converted the Mahants, who were mere servants of the Panth, in no virtual proprietors of the temples. Being no longer responsible to the community, the Mahants began to misappropriate the income of the 'gurdwaras' to their private use and alienate or sell the trust property at will. Irresponsibility and wealth inevitably resulted in immorality and the places of worship became the haunts of evil men. In these circumstances, the first thought of the Sikhs was to recover control of their Gurdwaras through the law courts, but it was not very long before they came to realize the difficulties of the new situation in which they found themselves. To the dilatory procedure of the courts and the heavy expenses involved in litigation, was added, as they now realized, the unsympathetic attitude of the government. The officials were reluctant, they came to believe, to see the Gurdwaras pass into the hands of the Panth because nothing was likely to consolidate them so

much and make them into a compact and powerful body as the control and supervision of their holy places. Round the Holy Granth and the Gurdwaras revolved the social and religious life of the whole community."

For the years preceding 1922, most important of the Sikh shrines, such as the Golden Temple, Shri Akal Takht Sahib at Amritsar and the Baba Attal were entirely in the hands of the government. The remaining sacred places of pilgrimages and the "Sikh gurdwaras" with their astounding income, were in the possession of "mahants" (incharge of Sikh gurdwaras). As a consequence of a dispute between the Sikhs fighting for the cause of lower castes (who were then described as untouchables) on the one hand, and the "pujaris" (priests) managing the Golden Temple, Amritsar, on the other, the Golden Temple, as well as, the Akal Takht came into the hands of the Sikhs, whereafter the "pujaris" left the same. At that time, it was decided to constitute a committee for the management of the "Sikh gurdwaras". The government, accordingly constituted (through the Maharaja of Patiala), a committee of 36 members to devise plans for the better management of the "Sikh gurdwaras". The Sikh community considered this an undue interference. A congregation was, accordingly, summoned by the Sikhs at Amritsar, which resulted in the formation of the SGPC. The SGPC so constituted, commenced to take steps for improving and reforming the management of the "Sikh gurdwaras". This step was, however, strongly opposed by "mahants" who were then incharge of "Sikh gurdwaras". The stage was, accordingly, set for the government of the time to intervene yet again. As per historical records, the control of the Golden Temple moved from the hands of the SGPC to the government. It is not necessary for us for the purposes of the present controversy, to delve into the niceties of the dispute between the rival parties, so far as the issue of taking control of the "Sikh gurdwaras" is concerned.

31. The first Gurdwara Bill was introduced in the Punjab Legislative Council on 7.11.1922 by the British government, against the wishes of the Sikh community. On this aspect of the matter, the views expressed by Professor Ruchi Ram Sahni in his book *Struggle for Reforms in Sikh Shrines* may be noticed as under:



"It is a noteworthy fact that the Gurdwaras Bill introduced in the legislative Council by Sir Fazil-i-Hussain was framed in defiance of the desires and opinion of even the moderate sections of the Sikhs who were then on the legislative Council. They, therefore, refused to serve on the Selection Committee, four of them who were actually named did not attend a single meeting and the fifth Bawa Hardit Singh Bedi."

32. The Sikh Gurdwaras and Shrines Act, 1922 (hereinafter referred to as the Gurdwara Act of 1922) was enacted on 8.12.1922. Its preamble declared its objectives, namely, the administration and management of "Sikh gurdwaras" and the mechanism of settlement of disputes connected therewith. The Gurdwara Act of 1922, distinguished places of Sikh worship in commemoration of any incident in the life of any of the ten Sikh "gurus" from the places of worship erected in the memory of Sikh martyrs or Sikh saints. Professor Ruchi Ram Sahni records that the management of most of the "Sikh gurdwaras" before 1925 came into the hands of the SGPC. On this aspect of the matter, his observations in his book *Struggle for Reforms in Sikh Shrines* are as under:

"In the prevailing condition of uncertainty and general uneasiness, the newly formed society for the management of the Gurdwaras, which had by this time provided itself with a Constitution and a somewhat pompous name, had now begun to take into its own possessions and control such of the Gurdwaras as they could without much difficulty. In the circumstances of the time it is not surprising that while the Shiromani Gurdwara Parbandhak Committee (written briefly SGPC) or the more religious minded or the more prudent Mahants realizing that their personal interest or the interest of the shrines in their charge lay in their seeking the protection of the committee that has been formed specially for the purpose of managing and maintaining the Gurdwaras on lines consistent with the teachings of the Gurus and the wishes of the community, had voluntarily placed the Gurdwaras under the control of SGPC, some other Mahants, on the other hand, believed that their own interests could

be better served by continuing to manage the Gurdwaras on the lines on which they had hitherto been doing, namely, with the support and guidance of the local officials. It is not improbable that in some cases, at least, some Akalis may have actually taken forcible possession of the Gurdwaras."

33. The aforesaid narration depicts the initiation of control over the management and affairs of "Sikh gurdwaras"

### The Sikh Gurdwaras Act, 1925

34. The Sikh Gurdwaras Act of 1925 (hereinafter referred to as the Gurdwara Act of 1925) came into force with effect from 1.11.1925. With this, the Gurdwara Act of 1922 was repealed. The Gurdwara Act of 1925 had territorial jurisdiction over the erstwhile State of Punjab and the Patiala East Punjab States Union (PEPSU i.e. the territories which merged into the composite State of Punjab on 1.11.1956). Before embarking upon the examination of the provisions of the Gurdwara Act of 1925, pertaining to the subject under reference, it would be pertinent to record, that the instant enactment was aimed at regulating the places of Sikh worship i.e. "Sikhs gurdwaras". It, accordingly, provided for the constitution of an apex Sikh body i.e. the SGPC. This brought the "Sikh gurdwaras" effectively and permanently under the control of the Sikh community, so as to make them consistent with the religious views of the Sikhs. According to the objects and reasons of the Gurdwara Act of 1925, the Gurdwara Act of 1922 had failed to satisfy the aspirations of Sikhs for various reasons. The enactment provided purely for a "Sikh management" of "Sikh interests" secured by statutory and legal sanction. The scheme of management provided under the Gurdwara Act of 1925, introduced elected members and formation of committees of management. Under the Gurdwara Act of 1925, the functions and powers of the elected members and of the committees of management were expressly defined.

35. Having examined the historical background of the facts which resulted in the promulgation of the Gurdwara Act of 1925, we would limit our examination of the provisions of the Act to the definition of the term "Sikh", as also, to the variants thereof. We

would also bring out the particular variant of the Sikh community, which was vested with responsibility of carrying out the objectives enshrined under the Gurdwara Act of 1925.

36. The term "Sikh" is defined in section 2(9) of the Gurdwara Act of 1925, which reads as under:

"2(9). 'Sikh' means a person who professes the Sikh religion or, in the case of a deceased person, who professed the Sikh religion or was known to be a Sikh during his life-time.

If any question arises as to whether any living person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in such manner as the State Government, may prescribe the following declaration:

I solemnly affirm that I am a Sikh, that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus and that I have no other religion."

37. Under the Gurdwara Act of 1925, the term "amritdhari Sikh" has been defined in section 2(10) and the term "sehajdhari Sikh" in section 2(10-A). It is the contention of the learned counsel for the respondents, that for a complete and effective understanding of the term "Sikh", besides making reference to the other two definitions of the terms "amritdhari Sikh" and "sehajdhari Sikh", it will also be essential to make a reference to the term "patit" defined in section 2(11) of the Gurdwara Act of 1925. Sub-sections (10), (10-A) and (11) of section 2 of the Gurdwara Act of 1925, are accordingly, being extracted hereunder:

"2(10) 'Amritdhari Sikh' means and includes every person who has taken *khande-ka-amrit* or *khanda pahul* prepared and administered according to the tenets of Sikh religion and rites, at the hands of five *pyaras* or 'beloved ones'

(10-A) 'Sehajdhari' means a person:-

- i) who performs ceremonies according to Sikh rites;
- ii) who does not use tobacco or Kutha (Halal meat) in any form;
- iii) who is not a Patit; and
- iv) who can recite Mul Manter.

2(11) 'Patit' means a person who being a keshadhari Sikh trims or shaves his beard or keshas or who after taking amrit

commits any one or more of the kurahits including disrespect to the hair."

38. According to the learned counsel for the petitioners, the term "Sikh" as defined in section 2(9) of the Gurdwara Act of 1925, cannot be subjected to any alteration, whatsoever. In fact, it is the vehement contention of the learned counsel for the petitioners, that sub-sections (10), (10-A) and (11) of section 2 of the Gurdwara Act of 1925, are not only contrary, but also repulsive, to the definition of the term "Sikh" in section 2(9) of the Gurdwara Act of 1925. According to the learned counsel for the petitioners, for the definition of the term Sikh, section 2(9) of the Gurdwara Act of 1925 should be considered as the lead provision, and all other provisions, including sub-sections (10), (10-A) and (11) of section 2 of the Gurdwara Act of 1925, would have to be read down so as to make the same harmonious with the former. In view of their contrary nature, it is the submission of the learned counsel for the petitioners, that sub-sections (10), (10-A) and (11) of section 2 of the Gurdwara Act of 1925 are ultra vires the provisions of section 2(9) of the Gurdwara Act of 1925 (i.e. the lead provision defining the term Sikh).

39. According to the learned counsel for respondent No. 2 i.e. the SGPC, there is no conflict, whatsoever, between the provisions referred to hereinabove, and that, it is a harmonious construction of the aforesaid provisions that will lead to an eventual determination of the definition of the term Sikh.

40. Learned counsel for respondent No. 2 acknowledges, that section 2(9) of the Gurdwara Act of 1925 is the lead provision for defining the term Sikh. It is, however, submitted that the ingredients of the term Sikh become apparent from a close and collective perusal of sections 2(10), 2(10-A) and 2(11) alongwith section 2(9) of the Gurdwara Act of 1925. It is the contention of the learned counsel for respondent No. 2 that even a cursory perusal of section 2(9) of the Gurdwara Act of 1925 shows, that a Sikh is one who professes the Sikh religion. Referring to the declaration contained in section 2(9) of the Gurdwara Act of 1925, it is the contention of learned counsel for respondent No. 2, that a declaration at the hands of an individual by itself would not make him a Sikh. It is only a "truthful" declaration that an

individual professes the Sikh religion, believes in the ten "Sikh gurus", as also, in the Guru Granth Sahib, and that he is not a follower of any other religion, that would lead to the conclusion that he professes the Sikh religion.

41. In so far as professing of the Sikh religion is concerned, learned counsel for respondent No. 2 has invited our attention to the "Sikh Rehat-maryada" (copy whereof is available on the record of the case as Annexure R-2). According to the learned counsel for respondent No. 2, the "Sikh Rehat-maryada" constitutes the code of Sikh conduct and conventions, and only such an individual who follows the code of Sikh conduct and conventions, can be described as a person who "professes" the Sikh religion.

42. An individual who enters the fold of the Sikh religion, according to the learned counsel for the SGPC, is described as a "sehajdhari Sikh" defined in section 2(10-A) of the Gurdwara Act of 1925. Simply stated for the present purpose, according to him, a "sehajdhari Sikh" is one who is not a "patit". Again, limited to the present controversy, a "patit" is a person who being a "keshadhari", trims or shaves his beard or "kesh". This, according to the learned counsel for respondent No. 2, necessarily leads to the further inference that a "sehajdhari Sikh" is a "keshadhari" but not a "patit". It is the submission of the learned counsel, that anyone with shorn hair, would be a "patit". According to learned counsel, having come into the fold of the Sikh religion as a "sehajdhari Sikh" i.e. a person who maintains unshorn hair, it is open to an individual to proceed to acquire a higher form under the "Sikh Rehat-maryada" as an "amritdhari Sikh" by taking "khande ka amrit" or "khande-di-pahul" (which can be simply described as rituals of Sikh baptism).

43. In view of the submissions advanced at the hands of the learned counsel for respondent No. 2, though the term Sikh is defined in section 2(9) of the Gurdwara Act of 1925, it is further explained by sections 2(10), 2 (10-A) and 2(11) of the Gurdwara Act of 1925. According to the learned counsel, the aforesaid subsections categorise Sikhs as either "sehajdhari Sikhs" (who must essentially be "keshadharis) or as "amritdhari Sikh" (i.e. when a "sehajdhari Sikh" has undergone the ritual of Sikh baptism).

44. By our order dated 29.9.2008, we had directed the SGPC to

file an affidavit based on a resolution passed by the SGPC so as to clarify "whether or not a person who cuts his hair and/or shaves his beard, is a "sehajdhari Sikh", even if he performs all the prescribed ceremonies according to the Sikh rites, does not use tobacco or "katha" in any form and can recite "mool mantar" (with reference to section 2(10-A) of the Gurdwara Act of 1925). In furtherance of the aforesaid direction issued by us, in the first instance, Shri Harbeant Singh, Secretary, SGPC, filed an affidavit dated 5.12.2008, inter-alia, stating as under:

"...the stand of the Shiromani Gurdwara Parbhandhak Committee in response to the query raised by this Hon'ble Court in its order dated 29.9.2008, is as under:

- i) The definitions of various words and phrases, used in the Sikh Gurdwara Act, 1925 are provided in section 2 of the said Act. These definitions are relevant for the purpose of the interpretation of the substantive provisions of the said Act.
- ii) As per section 2(10-A), a Sehajdhari Sikh is a person
  - (i) who performs ceremonies according to Sikh rites;
  - (ii) who does not use tobacco, kutha, Halal meat in any form;
  - (iii) who is not a Patit (Apostate), and
  - (iv) who can recite Mulmantra (Proem to Sri Guru Granth Sahib). The word sehajdhari consists of two words; Sahaj= slowly; dhari= to adopt. Hence Sehajdhari Sikhs are those novices who were born in non-Sikh families, and who expressed their desire to adopt Sikhism slowly and gradually, adopt its doctrines, ethics and tenets with belief in Shri Guru Granth Sahib and ten Gurus. A Sehajdhari, therefore, is a novice who has entered the path of Sikhism, and he will continue to be so till he fully accepts the moral and spiritual vows of Sikhism, to be called a practicing Sikh professing Sikhism. Once a Sehajdhari becomes a Keshadhari Sikh, he under no circumstances by cutting/trimming his/her hair, beard, eye-brows in any manner can claim to be a Sehajdhari Sikh. Similarly, a Sikh born into a Sikh family cannot claim to be a Sehajdhari Sikh by trimming/cutting his/her hair, beard or eye-brows in any manner."

Subsequently, Shri Dalmegh Singh, Secretary, SGPC, filed a clarificatory affidavit dated 16.1.2009 on the basis of another decision taken by the SGPC, wherein representatives of Sikh bodies and Sikh intellectuals were invited to discuss the issue on 2.1.2009. Thereafter, the draft prepared by the aforesaid representatives was unanimously approved by the Executive Committee of the SGPC on 15.1.2009. According to the affidavit, the final stand of the SGPC in respect of its interpretation of the term "sehajdhari Sikh" is as under:

"As per section 2(10-A) and 2(11) of the Sikh Gurdwara Act, 1925, Sehajdhari Sikh is that person:

- i) Who performs ceremonies according to Sikh rites;
- ii) Who does not use tobacco or Kutha in any form;
- iii) Who is not a "patit"; and
- iv) Who can recite mul mantar;

2(11) 'Patit' means a person, who, being a Keshadhari Sikh, trims or shaves his beard or Keshas or who after taking amrit commits any one or more of the four kurahits.

It becomes clear from a perusal of both these sub-sections that "Sehajdhari Sikh" and "Patit" are two separate entities. Subsection says that any keshadhari Sikh, who cuts/trims his hair and beard, is a patit. So, it is clear that a person "who cuts/trims his beard/hair, although he might be performing his ceremonies like Sikhs, he might not be using tobacco, kutha meat in any form and could recite 'Mul Mantar', he cannot be a Sehajdhari, because he cuts/trims his hair and beard and as per the sections mentioned above of this Act, he cannot be a "Sehajdhari Sikh".

45. Having given our thoughtful consideration to the contentions advanced by the learned counsel for the rival parties, we express our satisfaction, and accordingly affirm, the interpretation of the provisions noticed hereinabove at the hands of the learned counsel for respondent No. 2. In our considered view, a Sikh, essentially is a person who professes the Sikh religion. To determine, whether or not, a person professes the Sikh religion, it would have to be determined, whether or not, he abides by the "Sikh Rehat-maryada". We are also of the view, that for defining the term Sikh, sub-sections (9), (10), (10-A) and (11) of 2 of the Gurdwara Act

of 1925 will have to be interpreted harmoniously, so as to give true effect to the intent of the legislation. From a collective reading of the aforesaid subsections of Section 2 of the Gurdwara Act of 1925, we are of the view, that the aforesaid legislative enactment postulates different levels/grades of Sikhs. The lowest grade/level envisaged under the Gurdwara Act of 1925 is a "sehajdhari Sikh". A "sehajdhari Sikh" as noticed above, is essentially a "keshadhari Sikh" (i.e., one who maintains his hair unshorn). The uppermost level/grade of a Sikh under the Gurdwara Act of 1925 is an "amritdhari Sikh". The Gurdwara Act of 1925 refers to the term "patit" as a Sikh who has fallen from grace. A "patit" is one who inter-alia "shaves his beard or keshas". A "patit" is not entitled to any benefit of office or authority under the Gurdwara Act of 1925. In other words, a "patit" is one who is excluded from the benefits which a Sikh can claim under the Gurdwara Act of 1925. Thus read, besides understanding the minimum requirements so as to be termed as a Sikh, one must adhere to the tenet of keeping ones hair uncut. In the absence of adherence with the instant tenet, the individual would fall within the term defined as "patit" as he/she does not maintain his/her hair unshorn. Essentially, it is imperative for us to conclude, that the lowest form of attainment to enter the fold of the Sikh religion under the Gurdwara Act of 1925, is a "sehajdhari Sikh", and that, to be a "sehajdhari" Sikh, a Sikh who has to be a "keshadhari" (one who maintains his hair unshorn).

46. Our observations, as have been recorded hereinabove, are limited to the definition of the term Sikh under the Gurdwara Act of 1925, and not for any other purpose, whatsoever. Even the various categories of Sikhs described by us hereinabove, are in reference to specific provisions of the Gurdwara Act of 1925 alone. Reference may also be made to section 45 and 46 of the Gurdwara Act of 1925, which lay down the qualifications of elected members and nominated members and to sections 49 of the Gurdwara Act of 1925, which lays down the qualifications of electors. The aforesaid provisions are being extracted hereunder:

"45. Qualifications of elected members:

(1) A person shall not be eligible for election as a member of the Board if such person—

i) is of unsound mind;



- ii) is an undischarged insolvent,
- iii) is a *patit*;
- iv) is a minister of a Notified Sikh Gurdwara, other than the head minister of the Darbar Sahib, Amritsar, or of one of the four Sikh Takhts specified in clause (ii) of sub-section (1) of section 43.
- v) is a paid servant of any Notified Sikh Gurdwara, or of the Board other than a member of the executive committee of the Board.
- vi) being a *keshadhari* Sikh is not an *amritdhari*;
- vii) takes alcoholic drinks;
- viii) not being a blind person cannot read and write Gurmukhi.

(2) No person shall be eligible for election as a member of the Board if he is not registered on the electoral roll of any constituency specified in Schedule IV.

2(A) No person shall be eligible for election to the Board if he is less than twenty-five years of age.

(3) Notwithstanding anything contained in sub-section (1) no person shall be prevented from standing as a candidate for election as a member of the Board on the ground that he is a *patit*, but if a person elected is thereafter found under the provisions of section 84 to be a *patit*, his election shall be void.

46. Qualifications of nominated members — A person shall not be nominated or co-opted to be a member of the Board if he—

- i) is less than twenty-one years old;
- ii) is not a Sikh;
- iii) is of unsound mind;
- iv) is an undischarged insolvent;
- v) is a *patit*;
- vi) is minister of a Notified Sikh Gurdwara other than the head minister of the Darbar Sahib, Amritsar, or of any of the four Sikh Takhts specified in clause (ii) of sub-section (1) of section 43;
- vii) is a paid servant of any Notified Sikh Gurdwara or of the Board, other than a member of the executive committee of the Board.

49. Qualifications of electors— Every person shall be entitled to have his name registered on the electoral roll of a constituency constituted for the election of a member or members of the Board who is a resident in that constituency and either—

- Provided that no person shall be registered as an elector who —

- A collective perusal of the aforesaid provisions reveals, that a Sikh who is not a “patit” i.e. a “keshadhari”, has the right to be on the electoral rolls. As such, the right to vote, is only vested in a “keshadhari Sikh”. Despite being a “keshadhari”, and as such, a “sehajdhari Sikh”, a person cannot be elected to the Board of the SGPC unless he has proceeded to acquire the higher form as an “amritdhari Sikh”. A person cannot be nominated as a member of the Board, if he is a “patit”. He must, therefore, be a “keshadhari Sikh”, and as such, must be satisfying the requirements of a “sehajdhari Sikh” even for being nominated to the Board of the SGPC.

“132. Power of Board to make bye-laws.— (1) The Board may in general meeting make bye-laws, not inconsistent with this Act, regulating its procedure, and the fees to be levied under the provisions of sub-section (8) of section 137, provided that the Board shall not, without the previous sanction of the State Government, make any bye-law—

- (a) prescribing the form in which the budgets of the Board and of committee shall be presented;
- (b) providing for the custody and investment of the funds of the Board and prescribing the procedure by which sanction of the Board may be accorded to the deposits of surplus funds in specified banks;
- (c) prescribing the qualification of candidates for membership of the Board and committees; and provided further that no bye-law falling within the purview of clause (c) shall impose any disqualification upon a Sikh only because he is a Sehajdhari Sikh.

(2) All bye-laws requiring the previous sanction of the State Government under the provisions of sub-section (1) shall when made be published in the Official Gazette.

(3) Bye-laws framed under this section shall have "force of law." The proviso under clause (c) of sub-section (1) restrains the Board from disqualifying an individual who is a "sehajdhari Sikh" for membership of the Board itself or the committees constituted by the Board.

48. From a collective perusal of the provisions of the Gurdwara Act of 1925, it can safely be concluded, that retaining hair unshorn is an essential requirement for a Sikh to be entitled to claim the least of the rights referred to under the Act. A "patit" i.e., one who does not maintain his hair unshorn, has no status or right therein. This clearly brings out the importance of unshorn hair for the Sikh religion.

### The Delhi Sikh Gurdwara Act, 1971.

49. The Delhi Sikh Gurdwara Act, 1971 and the various provisions thereof having a bearing on the present controversy were brought to our notice by Mr. KTS Tulsi, Senior Advocate, Mr. H.S. Phoolka, Senior Advocate and Mr. D.S. Patwalia, Advocate.

50. Just like the Gurdwara Act of 1925, so also, the Gurdwara Act of 1971, provides for the proper management of the "Sikh gurdwaras", as also, for the proper management of the properties of such "gurdwaras". The primary difference being the territorial jurisdiction of the two enactments. Insofar as, the Gurdwara Act

of 1925 is concerned, the same has jurisdiction over territories comprising the erstwhile State of Punjab and PEPSU (prior to 1.11.1956). The territorial jurisdiction of the Gurdwara Act of 1971, is limited to Delhi, as is apparent from the title of the Act itself.

51. The limited examination of the instant statutory enactment at our hands, is to determine the sanctity of "kesh/keshas" for the purpose of the Sikh religion. In so far as, the Gurdwara Act of 1971 is concerned, the same also defines the term Sikh. The definition of the term Sikh herein, is different from the one expressed under the Gurdwara Act of 1925. The term Sikh is defined by section 2(n) of the Gurdwara Act of 1971 as under:

"2(n) "Sikh" means a person who professes the Sikh religion, believes and follows the teachings of Sri Guru Granth Sahib and the ten gurus only and keeps unshorn hair (Keshas). For the purposes of this Act, if any question arises as to whether any living person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in the manner prescribed by rules the following declaration:

"I solemnly affirm that I am a Keshadhari Sikh, that I believe in and follow the teachings of Sri Guru Granth Sahib and the ten gurus only, and that I have no other religion."

Unlike the Gurdwara Act of 1925, herein the term Sikh is defined expressly to include a person who "keeps unshorn hair "keshas". Just like the Gurdwara Act of 1925, the terms "amritdhari Sikh" and "patit" are also sought to be defined by the Gurdwara Act of 1971 through sections 2(o) and 2(j) respectively. The aforesaid provisions are also being extracted hereunder:

"2(o) "Amritdhari Sikh" means and includes every Sikh who has taken khande-ka-amrit or khanda-pahul, prepared and administered according to the tenets of Sikh religion and rites at the hands of five Pyaras or "beloved ones".

2(j) "patit" means a Sikh who trims or shaves his beard or hair (keshas) or who after taking Amrit commits any one or more of the four Kurahits."

The conclusion on the basis of the provisions extracted hereinabove

is inevitably the same as the one that was drawn by us after examining the provisions of the Gurdwara Act of 1925. Irrespective of the difference in the definitions, the minimum requirement of an individual to come within the fold of the Sikh religion in terms of the provisions of the Gurdwara Act of 1971, may be summarised as to include, firstly, the profession of the Sikh religion, secondly, the acceptance of the belief in the teachings of the ten "Sikh gurus", as also, the Guru Granth Sahib (the embodiment of the ten "Sikh gurus"), thirdly, to wear unshorn hair, and fourthly, to have faith/belief in no religion except Sikhism.

52. The Gurdwara Act of 1971 also refers to the elevated stature of a Sikh as an "amritdhari Sikh" who has taken "khande-ka-amrit" or "khande-di-pahul", in terms of the rituals of Sikh baptism. The term "patit" is similarly defined herein as in the Gurdwara Act of 1925 i.e. a person who trims or shaves his beard or hair. Just like the Gurdwara Act of 1925, so under the Gurdwara Act of 1971, different rights are vested in Sikhs depending on their level of adherence to the Sikh religion and the rituals thereof.

53. The qualifications of an elector and of a member of the committee have been prescribed in sections 8 and 10 of the Gurdwara Act of 1971. The same are also being extracted under:

"8. Qualifications of elector. Every person who – (a) has been ordinarily resident in a ward for not less than one hundred and eighty days during the qualifying period, (b) is a Sikh of not less than twenty-one years of age on qualifying date, shall, be entitled to be registered in the electoral roll for that ward:

Provided that no person shall be registered as an elector who— (a) trims or shaves his beard or keshas; (b) smokes; (c) takes alcoholic drinks.

Explanation—For the purpose of this section, the "qualifying date" and the "qualifying period"—

(i) in the case of electoral rolls first prepared under this Act, shall be the 1<sup>st</sup> day of January, 1972, and the period beginning on the 1st day of January, 1971 and ending on the 31st day of December, 1971, respectively; and (ii) in the case of every electoral roll subsequently prepared under this Act, shall be the 1st day of January of the year in which it

is prepared and the year immediately preceding that year respectively.

10. Qualifications of member. (1) A person shall not be qualified to be chosen or co-opted as a member of the Committee if such person— (a) has not attained the age of twenty-five years; (b) is not a citizen of India; (c) in the case of an elected member, if he is not registered as an elector in the electoral roll for any ward; (d) is not an Amritdhari Sikh; (e) being an Amritdhari Sikh, trims or shaves his beard or keshas; (f) takes alcoholic drinks; (g) smokes; (h) is a patit; (i) is of unsound mind and stands so declared by a competent court; (j) is an undischarged insolvent; (k) has been convicted of an offence involving moral turpitude or has been dismissed from service by Government, Board, Committee or any local authority, on account of moral turpitude; (l) is a paid servant of any Gurdwara or a local Gurdwara; (m) not being a blind person cannot read and write Gurmukhi. Explanation—A person shall be deemed to—(i) be able to read Gurmukhi if he is able to recite Sri Guru Granth Sahib, in Gurmukhi, and (ii) write Gurmukhi if he fills his nomination paper for election to the Committee in Gurmukhi in his own handwriting. If any question arises whether a candidate is or is not able to read and write Gurmukhi, the question shall be decided in such manner as may be prescribed by rules.

(2) If a person sits or votes as a member of the Committee when he knows that he is not qualified for such membership, he shall be liable in respect of each day on which he so sits or votes to a penalty of three hundred rupees which shall be recoverable as an arrear of land revenue.”

A perusal of the aforesaid provision reveals that a lesser qualification is stipulated for an elector i.e. a person who falls within the definition of the term Sikh, under the Gurdwara Act of 1971, with a further qualification that he does not trim or shave his beard or hair. A higher qualification has been laid down for being eligible to be elected as a member of the Delhi Sikh Gurdwara Management Committee. For eligibility to contest an election for membership of the said Managing Committee, the person concerned must be an “amritdhari Sikh” i.e. the highest

level of attainment for a Sikh in the religious hierarchy depicted under the Gurdwara Act of 1971.

54. Our final conclusion and analysis of the provisions of the Gurdwara Act of 1971, are similar to those that have been expressed by us while interpreting the provisions of the Gurdwara Act of 1925, namely, that the term Sikh as defined under the Gurdwara Act of 1971, is limited to the object and purpose of the Gurdwara Act of 1971, namely, for vesting the responsibility for the proper management of "Sikh gurdwaras" and "gurdwara property" in territories of Delhi. Under the instant legislative enactment also, a Sikh is one who essentially wears his hair unshorn.

### The Sikh Rehat-Maryada

55. Professor W.H. McLeod is emeritus Professor in the University of Otago Dunedin, New Zealand. He is known to have spent a lifetime conducting research into religious studies specially on Sikhism, Indian history and sociology. His publications include *Historical Dictionary of Sikhism* (published in 1995, by the Scarecrow Press), *Exploring Sikhism - Aspect of Sikh Identity, Culture and Thought* (published in 2000, by Oxford University Press), *Sikhs of the Khalsa - A History of the Khalsa "rahit"* (published in 2003 by Oxford University Press). The word *rahit*, according to Professor W.H. McLeod means the code of belief and conduct which are required to be obeyed. And the term "Rahitnama" means the manual of the "rahit" principles. According to Professor W.H. McLeod, for more than three centuries, most Sikhs have regarded the "rahit" as absolutely the centre of their faith. Guru Gobind Singh had imparted the "rahit" when he inaugurated the Khalsa order. According to the author, Sikhs have remained largely unaware of the existence of the "rahit" despite the fact that the author duly recognises that Guru Gobind Singh had directed his followers to observe the prescribed code of conduct described in the "rehat-maryada". Generally, according to the author, Sikhs are aware of the "rahitnama" as the five ordained "kakkars" (articles of faith) or "Ks".

56. According to the "Encyclopaedia of Sikhism" by Dr. H.S. Singha (second edition published in 2005 by Hemkunt Publishers

(P) Ltd.), Guru Gobind Singh, the last of the ten "gurus" of the Sikhs had laid down a strict code of conduct for the Sikhs in 1699, at the time of setting up of the Khalsa Panth. The precise form of the "Sikh rehat-maryada" as ordained by the "Guru" has remained a matter of debate. Various codes of conduct dating from the 18th century are in existence with somewhat different interpretations. The "Sikh rehat-maryada" from the "rahitnamas" is stated to have been dictated by Guru Gobind Singh himself. Kahan Singh, another prominently recognized author of the Sikh religion, has referred to the existence of three "rehat-maryadas", namely, Tankhanama, Prashan Uttar of Bhai Nand Lal and Rahitnama of Bhai Desa Singh based on their dialogue with the "Guru". Among the other important Rahitnamas are those by Chaupa Singh and Prehlad Singh. All these codes reflect the general spirit of the consolidation of Sikhism, in the post Guru Gobind Singh era. The SGPC worked on the "Sikh Rehat-maryada" and eventually in 1945, the SGPC was able to produce an acceptable code of conduct called "Rehat-maryada". It lays down the norms of Sikh behaviour and conduct.

57. The code of conduct and conventions for Sikhs formulated by the SGPC as the "Sikh Rehat-maryada" defines the term Sikh as under:

"Any human being who faithfully believes in

- i) One immortal Being.
- ii) Ten Gurus, from Guru Nanak Dev to Guru Gobind Singh.
- iii) The Guru Granth Sahib.
- iv) The utterance and teachings of the ten Gurus and
- v) The baptism bequeathed by the tenth Guru and who does not owe allegiance to any other religion, is a Sikh."

The "rehat-maryada" has been described as the code of a "Sikh's personal life" (in Chapter III of the Sikh Rehat-maryada, published by the SGPC), and as the "Code of Corporate" or "Panthic Code of Conduct" of a Sikh (in Chapter XIII of the Sikh Rehat-maryada published by the SGPC). Certain important references to the subject matter, namely, the significance of "kesha/keshas" are also recorded in Chapter X of the Sikh Rehat-maryada, published by the SGPC. A collective perusal of the Sikh Rehat-maryada reveals, that a Sikh should have on his person at all the time five "kakkars" (articles of faith) or Ks; the "keshas" (unshorn hair), the "kirpan"



(sword), the "kachhehra" (knicker bockers), the "kangha" (comb) and the "karha" (steel bracelet). The "Sikh Rehat-maryada" also lists the tabooed practices in Chapter XIII of the "Sikh Rehat-maryada". The same are extracted hereunder:

"The undermentioned four transgressions (tabooed practices) must be avoided:

- (1) Dishonouring the hair;
- (2) Eating the meat of an animal slaughtered the Muslim way;
- (3) Cohabiting with a person other than one's spouse;
- (4) Using tobacco."

While referring to the "tabooed practices", the first in the list depicted in the "Sikh Rehat-maryada" is "dishonouring hair". The code of Sikh conduct and conventions mandates, that in the event of commission of any "tabooed practice", the transgressor must get "rebaptised". In case of the commission of a transgression of any specified discipline, the concerned person must present himself before the Sikh congregation, and seek forgiveness, and accept whatever punishment is awarded. In Chapter XIII of the "Sikh Rehat-maryada", an act of dyeing hair is also considered as a transgression, accordingly a severe action is prescribed for the same, which is extracted hereunder:

"(q) The following individuals shall be liable to chastisement involving automatic boycott:

xx                      xx                      xx                      xx

- (3) One who dyes his beard;"

Therefore, a person who dyes his beard is also considered to have committed a "tabooed practice" of dishonouring hair. Not only that a Sikh is not permitted to harbour any antipathy to hair of the head with which his child is born, he is also under a command not to tamper with hair with which his child is born. To substantiate the aforesaid, relevant extracts of Article XVI under Chapter X are extracted hereunder:

"Chapter X

Living in consonance with Guru's tenets. Article XVI.

A Sikh's living, earning livelihood, thinking and conduct should accord with the Guru's tenets. The Guru's tenets are:

- (d) Not believing in cast or descent, untouchability, magic, spells, incantation, omens, auspicious times, days and

occasions, influence of stars, horoscopic dispositions, shradh (ritual serving of food to priests for the salvation of ancestors on appointed days as per the lunar calendar), ancestor worship, khiah (ritual serving of food to priests-Brahmins – on the luna anniversaries of the death of an ancestor), pind (offering of funeral barley cakes to the deceased's relatives), patal (ritual donating of food in the belief that that would satisfy the hunger of a departed soul), diva (the ceremony of keeping an oil lamp lit for 360 days after the death, in the belief that that lights the path of the deceased), ritual funeral acts, hom (lighting of ritual fire and pouring intermittently clarified butter, foodgrains etc. into it for propitiating gods for the fulfillment of purpose), jag (religious ceremony involving presentation of oblations), tarpan (libation), sikha-sut (keeping a tuft of hair on the head and wearing thread), bhadan (shaving of head on the death of a parent), fasting on new or full moon or other days, wearing of frontal marks on the forehead, wearing of thread, wearing of necklace of the pieces of tulsi stalk, veneration of any graves, of monuments erected to honour the memory of a deceased person or of cremation sites, idolatory and such like superstitions observances.

Not owning up or regarding as hallowed any place other than the Guru's place – such, for instance, as sacred spots or places of pilgrimage of other faiths.

Not believing in or according any authority to Muslim seers, Brahmins' holiness, soothsayers, clairvoyants, oracles, promise of an offering on the fulfillment of a wish, offering of sweet loaves or rice pudding at graves on fulfillment of wishes, the Vedas, the Shastras, the Gayatri (Hindu scriptural prayer unto the sun), the Gita, the Quran, to the Bible etc. However, the study of the books of other faiths for general self education is admissible.

(i) A Sikh should, in no way, harbour any antipathy to the hair of the head with which his child is born. He should not tamper with the hair with which the child is born. He should add the suffix "Singh" to the name of his son. A Sikh should keep the hair of his sons and daughters intact."

In case of transgression of any of the "tabooed practice" including that pertaining to "kesh/keshas", the method of imposing chastisement stipulated in the "Sikh Rehat-maryada" (published by the SGPC) is as under:

"Method of imposing Chastisement:

- (a) Any Sikh who has committed any default in the observance of the Sikh discipline should approach the nearby Sikh congregation and make a confession of his lapse standing before the Congregation.
- (b) The congregation should then, in the holy presence of Guru Granth Sahib, elect from among themselves five beloved ones who should ponder over the suppliant's fault and propose the chastisement (punishment) for it.
- (c) The congregation should not take an obdurate stand in granting pardon. Nor should the defaulter argue about the chastisement. The punishment that is imposed should be some kind of service, especially some service that can be performed with hands.
- (d) And finally an Ardas for correction should be performed."

It is quite apparent from the "Sikh Rehat-maryada" also, that unshorn hair not only is a mandate to a person who professes Sikhism, it is also a command to him to adopt the same practice for his child as well.

## The Sikh Ardas

58. The "Sikh ardas" is the ritual prayer, which Sikhs individually or in congregation recite, morning and evening, and in fact, whenever they perform a religious service, and even at the beginning of all family, public or religious functions. The word "ardas" in Persian means, a petition / memorial / address to a superior authority. The "Sikh ardas" is made to God. It is an evolue of the community's heart in prayer over the centuries. Broadly, the "Sikh ardas" consists of three parts. When early in the 18th century, Sikhs were outlawed by a royal edict, they faced violent death wherever sighted. In their places of refuge in jungles and deserts, they prayed collectively or severally, seeking God's protection for the entire Khalsa, whosoever and wheresoever. The

"Sikh ardas" enshrines in its text the community's aspirations at various periods of its history, and enables the devotees to unite in a brotherhood of the faith, over the centuries, transcending time. The "Sikh ardas" seeks protection against evils like lust, wrath, greed, attachment and pride. It incorporates words of thanksgiving, and also seeks God's blessings.

59. It will be expedient to reproduce here the "Sikh ardas". In the left hand column, we have extracted the "ardas" in "Gurmukhi" script (written in the English script), in the right hand column, we have extracted the English translation thereof:

<i>Gurmukhi Version of "ardas" in English</i>	<i>English translation of "ardas"</i>
- Ek ong kaar waheguru ji ki fateh	1, O formless-form to waheguru, the abiding victory!
- Siri Bhagauti ji sahai, Var Siri Bhagauti ji ki paatshahi dasveen	May divine spirit help ballad (Var) Shri bhagauti composition of tenth king!
Piratham Bhagauti simmer kai Gur Nanak laeen dhiae!	To begin with, invoke the divine spirit of waheguru and remember Guru Nanak!
- Phir Angad Gur te Amardas Ramdasai hoieen sahai!	(This spirit) which then inspired Guru Angad (Dev) Amar Dass and Ram Dass.
- Arjan Hargobind noon simrau Siri Har Rai!	Call upon, Arjan, Hargobind and revered Har Rai!
- Siri Harkrishan dhiaeeai jis dithe sabh dukh jaie!	Invoke the blessed Sri Harkrishan whose vision heals all pains!
- Teg Bahadur simriye ghar nau nidh awai dhaai. Sab thaaeen hoi sahai!	Call upon Teg Bahadur so that the kingdom of heaven may come to earth (nine treasures of life). May Waheguru and the gurus assist us everywhere!
- Daswen patshah Siri Guru Gobind Singh Sahib ji, sabh thaaeen hoai sahai!	Tenth King revered Guru Gobind Singh, May he help us everywhere!
- Dasan patshahian di jot Siri Guru Granth Sahib ji de path	The spirit of all the ten Kings enshrined in the visible body

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*Gurmukhi Version of "ardas"  
in English*

---

didar da dheyan dhar ke bolo  
ji Waheguru!

- Panj piarian, chohan sahib-  
zadian, chahlian muktian,  
hathian, jappian, tapian,  
jinhan nam jappia, wand  
chhakia, deg chalai, teg wahi,  
dekh ke undith keetaa, tinnha  
piarian, sachiarian di kamaaee  
da dhiaan dhar ke, Khalsa ji !  
bolo ji Waheguru!

- Jinhan singhan singhanian  
dharam hait sees ditte, band  
band katae, khoprian luhaian,  
charkhian te charhe, aarian  
nal chiree gae, gurdwarian de  
seva laee kurbanian kitian,  
dharma naheen hariaa, sikhi  
kesan suasan naal nibhahee,  
tinnhaan dee kamaaee da  
dhiaan dhar ke, khalsa ji !  
bolo ji waheguru!

---

*English translation of "ardas"*

---

and the word of the Guru  
Granth, concentrate on that and  
say, sires, the congregation:  
Waheguru!

Five beloved ones, four princes,  
forty redeemed ones, those who  
have remained steadfast in  
suffering, those who kept  
constant remembrance of  
Waheguru, those who  
renounced the sensuous  
pleasures, those who have  
constantly live in the divine  
presence, shared earnings  
expressed magnanimity, have  
persevered in their fight in the  
cause of justice, turned a blind  
eye to the faults and failings of  
others and did not falter.  
Concentrate your minds on the  
struggles and achievements of  
those, O, revered members of  
the order of the Khalsa, and say,  
Waheguru!

The Singhs of both the sexes  
who courted martyrdom in the  
cause of region and underwent  
unspeakable sufferings of being  
dismembered alive, scalped  
alive, broken on the wheels,  
sawed alive and boiled alive  
and those who made sacrifices  
in the service of the centres of  
the Sikh religion the gurdwaras,  
but never wavered in their faith  
and to remain steadfast in the

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*Gurmukhi Version of "ardas"  
in English*

---

- Panjan takhtan, sarbatt gurdwarian da dhian dhar ke Khalsa ji bolo ji Waheguru!
- Prithme sarbatt khalsa ji ki ardass hai ji, sarbatt Khalsa ji ko Waheguru, Waheguru Waheguru chitt aawai, chitt aawan kaa sadkaa sarab sukh howai. Jahaan jahaan Khalsa ji sahib, tahaan tahaan rachhiaa riaayat, deg teg fateh, bird kee paij, panth ki jeet, siri saheb ji sahaae, Khalsa ji ke bol baale, bolo ji Waheguru!
- Sikhan noon sikhi daan, kes daan, rehit daan, bibek daan, visah daan, bharosa daan, daaan sir daan, nam daan,

---

*English translation of "ardas"*

---

cause of Sikhism with the hair of their body and to their last breath. O, revered members of the Khalsa order, concentrate your minds on the glorious deeds of those, and utter, glory to waheguru.

Think of the five seats of authority, the thrones of the religion and all gurdwaras and say Waheguru! Waheguru!

First the prayer of the whole Khalsa is, may the presence of waheguru be progressively felt in the hearts of all the Khalsa and may the whole creation become happy and prosperous thereby. May the supplies of the Khalsa ever remained replenished, may the sword of the Khalsa be ever victorious, may the royal title of the Khalsa be universally recognised and honoured. May victory attend upon all just endeavours of the panth, the Khalsa common-wealth, may Waheguru's might (sri sahib) be our constantly. May the order of the Khalsa achieve ever expanding progress and supremacy. Say Waheguru! Waheguru!

Grants to Sikhs: the gift of faith, the gift of uncut hair, the gift of discipline, the gift of knowledge, the gift of mutual trust, the gift

<i>Gurmukhi Version of "ardas" in English</i>	<i>English translation of "ardas"</i>
siri Amritsar ji de ishnaan, chowkian, jhande, bunge, jugo jug attal, dharam ka jaikaar, bolo ji Waheguru!	of self-confidence and the supreme gift of all gifts, the gift of communion with Waheguru. May Sikhs freely centre around and dip in the holy lake of Amritsar. Sikh concerts, the banners, dwelling-houses ever remain inviolate. May the cause of truth and justice prevail everywhere and at all times. Sires, utter Waheguru!
- Sikha daa man neevan, matt uchee, matt patt daa rakha aap Waheguru!	May the passions in the minds of the Sikhs remain calm and the reason flow clear and may the reason always be guided by the light of Waheguru!
- Hae Akal Purkh ! aapne panth de sadaa sahaaee dataar jeeo, siri Nankana Sahib te hor gurdwarian gurdhaman de, jinhon ton panth noon vichhoria giaa hai, khulhe darshan deedar te sewa sambhaal daa daan Khalsa ji noon baksho!	O, Almighty, protector and helper ever of the panth, restore to us the right and privilege of unhindered management and the service of an access to Nanakana Sahib and other centres of the Sikh religion, the gurdwaras, out of which we have been forcibly evicted.
- He nimanian de maan, nitaniaann de taan, niotiaan di ot, sachhe pittaa Waheguru, aap de hazoor..ardass hai jeel Akhar wadhaa ghaata bhul chukk maaf karnee. sarbatt de kaaraj raas karne, saiee piaare mail, jinhon miliaan tera naam chitt aawe!	O, true father of all, Lord, Waheguru ! here is a prayer. Grant us the company of those who may help keep thy name fresh in our hearts. Forgive us our remissnesses, extend thy helping hand to all and every- one.
- Nanak naam charhdi kalaa, tere bhane sarbatt daa bhalaa!	May the name, the religion preached by Nanak prevail and

<i>Gurmukhi Version of "ardas" in English</i>	<i>English translation of "ardas"</i>
	prosper, forever and forever, May thy will be done wherein lies the good of all.
– Waheguru ji ka Khalsa, Waheguru ji ki fateh.	The Khalsa is of waheguru and to waheguru the victory.

60. Insofar as the issue of "kesha/keshas" is concerned, the "Sikh ardas" makes a reference to the same at two places. Firstly, the "Sikh ardas" ordains that a Sikh should "never waver in his faith, and that he should remain steadfast in the cause of Sikhism with his bodily hair intact to his last breath." The instant stanza signifies the stature of bodily hair in Sikh mythology. Likewise, reference may be made to another stanza in the "Sikh ardas" wherein various grants are sought from the Almighty. In its translation, this aspect reads thus, "grant to Sikhs; the gift of faith, the gift of uncut hair, the gift of discipline, the gift of knowledge, the gift of mutual trust, the gift of self-confidence and the supreme gift of all gifts, the gift of communion with the Waheguru". The prayer, therefore, seeks from God the gift of unshorn hair. A perusal of the two parts of the "Sikh ardas" referred to hereinabove reveal, that keeping of unshorn hair is a part of the sacred prayer made by a Sikh to the God morning and evening, and in fact, whenever he performs a religious service, and even at the beginning of all family, public and religious functions. It is a diktat to all Sikhs to retain their hair unshorn to their last breath. In the aforesaid view of the matter, it is imperative for us on the basis of the "Sikh ardas" to conclude, that keeping unshorn hair is an essential component of the Sikh religion.

### Views Expressed by Scholars of Sikhism

61. The Punjabi University, Patiala, has an independent Department of Religion devoted to the study of six world religions—Hinduism, Buddhism, Christianity, Islam, Sikhism and Jainism. It was set up on the lines of the centre for the study of world religions at the Harvard University. One of the studies undertaken was a comprehensive reference work about Sikhism. The eventual compilation is in four volumes described as the Encyclopaedia of



Sikhism (published by the Punjabi University, Patiala). Interestingly it acknowledges that on the subject of Sikhism, there were no concisely written works, and even historical facts were not well sifted, and further, there was even a paucity of reliable and firm documentation. These assertions recorded in the preface itself, are on account of contradictions on the same subject by different authors. The work of compilation of the aforesaid Encyclopedia, which commenced in the sixties, was eventually concluded in the nineties i.e. after a period of three decades. In the "Encyclopedia of Sikhism" (the editorial committee whereof comprised of individuals belonging to the Sikh faith) have dealt with the aspect of "kesh/keshas" extensively. On the word "keshadhari" (a person who wears his/her hair unshorn), the Encyclopedia records as under:

"Keshadhari is a term defining a Sikh as one who carries on his head the full growth of his kes (hair) which he never trims or cuts for any reason. Anyone, Sikh or non-Sikh, may keep their hair unshorn, but for a Sikh kes, unshorn hair is an article of faith and an inviolable vow. The Sikh Rahit Maryada published by the Shiromani Gurdwara Parbandhak Committee, statutory body for the control and management of Sikh shrines and by extension for laying down rules about Sikh beliefs and practices, issued in 1945, after long and minute deliberations among Sikh scholars and theologians, defines a Sikh thus:

Every Sikh who has been admitted to the rites of amrit, i.e. who has been initiated as a Sikh, must allow his hair to grow its full-length. This also applies to those born of Sikh families but who have not yet received the rites of amrit of the 10th master, Guru Gobind Singh.

All codes and manuals defining Sikh conduct are unanimous in saying that uncut hair is obligatory for every Sikh. One of them Bhai Chaupa Singh's records, "the Guru's Sikh must protect the hair, comb it morning and evening and wash it with the curd. And he must not touch it with unclean hands."

Bhai Nand Lal quotes Guru Gobind Singh:

My Sikh shall not use the razor. For him the use of razor or shaving the chin shall be as sinful as incest... For the Khalsa such a symbol is prescribed so that a Sikh cannot

remain undistinguishable from among a hundred thousand Hindus or Muslims; because how can he hide himself with hair and turban on his head and with a flowing beard?

Bhai Desa Singh in his *Rahitnama* imparts a theological edge to his statement:

God created the whole universe and then he fashioned the human body. He gave men beard, moustaches and hair on the head. He who submits to His Will steadfastly adheres to them. They who deny His Will how will they find God in this world?

Trimming or shaving is forbidden to the Sikh and constitutes for them the direst apostasy. The truest wish of a true Sikh is to be able "to preserve the hair on his head to his last breath." This was the earnest prayer arising out of Sikh hearts in the days of cruel persecution in the 18th century when to be a Sikh meant to be under the penalty of death. The example is cited from those dark days of Bhai Taru Singh, the martyr, who disdainfully spurned all tempting offers of the Mughal persecutor if only he would convert to Islam: "How do I fear for my life? Why must I become a Musalman? Don't Musalmans die? Why should I abandon my faith? May my faith endure until my last hair – until my last breath," said Taru Singh.

The Nawab tried to tempt him with offers of lands and wealth. When he found Taru Singh inflexible, he decided to have his scalp scrapped from his head. The barbers came with sharp lancets and slowly ripped Bhai Taru Singh's skull. He rejoiced that the hair of his head was still intact.

The importance of kes (Sikh's unshorn hair) has been repeatedly demonstrated to them during their history. The hair has been their guarantee for self-preservation. Even more importantly, the prescription has a meaning for them far transcending the mundane frame of history.

A term which has had parallel usage in the Sikh system is *Sehjdhari*. A *Sehjdhari* is not a full Sikh, but one on his way to becoming one. He is in the Guru's path, but has not yet adopted the full regalia of the faith. He fully subscribes to the philosophy of the Gurus; he does not own and believe in any

other Guru or deity. His worship is the Sikh worship; only he has not yet adopted the full style of a Singh. Since he subscribed to no other form of worship or belief than the one prescribed for Sikhs, a concession was extended to him to call himself a Sikh – a Sehjdhari Sikh, a gradualist holders gradually tread the path and eventually become a full-grown Khalsa...”

The aforesaid pronouncements of the meaning of the word “keshadhari” in reference to Sikhs, leaves no ambiguity in the matter. It holds that a Sikh is one who maintains a full growth of hair and wears his hair unshorn. This tenet is applicable even to those born in Sikh families though not formally baptized. Cutting hair by a Sikh is taken to be a sin. Hair on the human body are considered as a gift given to man by God, and therefore, to be preserved.

62. In the Encyclopaedia of Sikhism by Dr. H.S. Singha (second edition published in 2005 by Hemkunt Publishers (P) Ltd.), under the heading “kesh”, the description and significance of the same for Sikhs, has been recorded in the following words:

“Kesh which means hair is one of the five “kakaars” of the Khalsa brotherhood. One of the injunctions imposed by Guru Gobind Singh at the time of setting up of Khalsa brotherhood in 1699 AD was to forbid shaving or trimming of hair on any part of the body. As such, the long uncut hair and a natural unspoilt beard in case of men are the most visible features of Sikh. The practice is one of the most distinctive and cherished symbols of Sikhism. According to the Sikh tradition, the first hukamnama that Guru Gobind Singh issued to his followers, carried inter alia, the stipulation: “In future the Sikhs should come into my presence wearing long hair. Once a Sikh is baptized, he should never trim his hair or shave them, “disregarding the guru’s injunction is a kurahit which results in automatic suspension from the Khalsa brotherhood.

Kapur Singh derives the symbolism of kesh from the beauty of the cosmic man who is an embodiment of the beautiful and the holy. According to the Adi Granth, the cosmic man has “beautiful nose and longer uncut hair”

*Sohane nak jin lammare wala.*

At another point this First Man is said to have “unshaved untrimmed body with a turban on head”....*sabat soorat dastar sira*. This injunction of not shaving or trimming the hair is also a reaction to Hindu observance of tonsure.

Sikh aesthetics even disapprove of the dying of hair which makes a person look different from what he or she is.”

The narration by Dr. H.S. Singha reveals, that the prescription of unshorn hair was the diktat of Guru Gobind Singh even at the time of baptism of the “panj pyaras” (the five beloved ones) at Anandpur Sahib in 1699. The disobedience of the diktat would result in the automatic suspension of a Sikh from the faith. The importance of a Sikh to retain hair unshorn, according to the author, cannot be undermined.

63. Professor Pritam Singh, formerly Head of the Department of Guru Nanak Studies, Guru Nanak Dev University, Amritsar, was invited to deliver a lecture at the South Asia Institute of Heidelberg University, West Germany, in 1985. One of the lectures was on “Consciousness of Sikh Identity” (contained in his book titled as *Exploring Some Sikh Themes* – first edition published in November, 2006 by Singh Brothers, Amritsar). The aforesaid lecture contains a historical fact. It is difficult to assert with any kind of authenticity, whether or not, the same is a matter of myth or belief of the Sikhs. All the same, according to the author Professor Pritam Singh, the introduction of unshorn hair as a mandate for Sikhs emerges from the capture, and thereafter, killing of Guru Gobind Singh’s father Guru Teg Bahadur – the ninth “Sikh guru”. The same reads as under:

“...members of the Sikh community carry their badge of identity so naturally and so permanently on their persons that it is not difficult to identify them even in a crowd. Apostates apart, it is never very easy for a Sikh to conceal the fact of his being a Sikh even when there is danger to his life. The Sikh has been carrying his hirsute and turbaned identity on his person since 1699 when Guru Gobind Singh, the 10th Guru, introduced in his new baptismal ceremony in which the ‘nectar’ stirred with a double edged sword is served provided the novice promises to abide strictly by certain conditions. One obligatory condition is that the natural growth of body hair is not to be interfered with. This is no provision to recount all the interpretations of the hair

symbol, adumbrated by Sikh and non-Sikhs scholars, but I certainly feel like the rating a popular explanation available in almost all books on the subject. It tries to unfold the rationale underlying the Guru's command.

When Guru Tegh Bahadur, Guru Gobind Singh's father and ninth guru of the Sikhs, was made a captive and was being pressurized to embrace Islam, three of his companions were tortured to death to break his will – Bhai Mati Das was sawn alive, Bhai Dila was boiled alive, and Bhai Sati Das was put to the sword. When the guru did not relent, he was beheaded in the main marketplace of Delhi and his severed head and body were left there, like the bodies of his Sikhs, to be defiled by dogs and vultures. Stunned with fear, no Delhi Sikh came forward to claim the guru's body, although their number in Delhi at that time was not negligible. A sudden storm, which is said to have enveloped Delhi with darkness, provided excellent opportunity to a Sikh pedlar who took away the body under cover of darkness to his own residence, only a few miles from the bloody scene. He set his house ablaze, as he did not regard it expedient to arrange a formal cremation for the body. The Guru's head was similarly picked up by a Sikh sweeper who carried it posthaste to Anandpur where the guru's son and successor was then residing. The Sikh, while presenting the head to the nine-year old guru, gave a graphic account of the paralyzing terror that had struck everyone, including the Sikhs, who had disappeared from the public view for fear of implication. It was there and then that the young guru pledged to see that no Sikh in future would be able to hide his identity, howsoever fearsome the circumstances. And this promise he fulfilled when deciding to create from the old 'Sikh' human material, the new 'Singh' (Lion) category of men; he made kes, uncut hair, the faster mark of identification of his followers.

From statements ascribed to Guru Gobind Singh and from his actions and the statements of others available in the contemporary or near contemporary literature, it is evident that the guru was trying to make the separate existence of the Sikh community and its faith more distinct than before. His purpose was to highlight the independent nature of

Sikhism in the context of other contemporary religions. By doing this, he wanted to insure the desired quality of the individual and collective conduct of his 'Khalsa', the new name for his Sikhs. His insistence on a distinct and unadulterated Khalsa can be understood as the wish of a creator who desires to guard his creation against all vulgarization. I quote from a recent publication:

"Guru Gobind Singh had actually warned the Sikh people not to let the purity of the Sikh faith and the distinctiveness of the Khalsa Panth be confused, particularly in view of the closeness of Sikhism to Hinduism, thus: 'as long as the Khalsa Panth retained the distinctiveness of its ideals, I will bless it with power and glory. But when it follows the way of the Brahmins (castes, etc.), I will not trust it.'"

Circumstantial evidence provides the key to the guru's extreme mistrust of Brahmins, so evident in the quotation cited just now. When Guru Gobind Singh took charge of the community, the boundary line between Sikhs and Hindus seemed to have become a little blurred. The following incident occurs in *Sri Gur Sobha* by Sainapati, a devout Sikh, close to the guru. His book was completed only two years after the demise of the guru. The children of the deceased Delhi Sikh did not shave off their hair as they had accepted the new deal of Guru Gobind Singh. The Hindu custom required close cropping of the head at such occasions. The non-cropper were subjected to severe social boycott and a general strike was observed by Delhi shopkeepers to protest against the violation of tradition and customs. Such segregation of the newly baptized Khalsa by non-baptized Sikhs shows that prior to the new Deal, some Sikhs were also observing traditional Hindu religious customs probably because they were allowed to graduate to Sikhism at a steady pace. Whatever the reason, the prevalence of such a situation is confirmed by an equally reliable authority of earlier date..."

Reference needs to be made also to the following observations recorded by Professor Pritam Singh, wherein according to the author, the primary distinguishing feature between an individual following the Sikh religion and another following the Hindu

religion is, that the former wears his hair unshorn, and in case, his hair are shorn, he is considered to fall in the latter category i.e. Hindu religion:

"The interesting fact that has to be noted is that whenever there has been a spurt of resurgence during the post Guru Gobind Singh period of Sikh history, it has turned out to be a renewed effort on the part of Sikhs to purge the community of Brahminical influences, whose infiltrating capacity is well-known, especially in the cases of religions of Indian origin, because some of their theological vocables and concepts happen to overlap. Generally speaking, the social psychological difference among Muslims and Sikhs were so marked during the mediaeval period that the Sikhs had no fear of wholesale absorption from that side, but there was so much social kinship between Hindus and Sikhs that the Sikh minority often felt the threat of submersion in the religious majority. Even today, anyone who cuts of his hair is automatically considered to have relapsed into the Hindu mass. It is in this context that repeated attempts of the Sikh community at self preservation or self-assertion, whatever one may call these, have to be understood. I am referring to such protestant movements among the Sikhs as the Nirankari Movement of Baba Dayal (1783-1855), the Namdhari Movement of Baba Ram Singh (1815-1885), the Singh Sabha Movement (1873), and the Gurdwara Reform or Akali Movement (1920-25)."

64. Whilst the authors from whose works references have been made hereinabove were all Sikh scholars, it would also be interesting to examine the views of a non-Sikh scholar of Indian origin. It is, therefore, that reference is being made to the book titled *The Sikh World – An Encyclopaedic Survey of Sikh Religion and Culture* by Ramesh Chander Dogra and Urmil Dogra (first published in 2003, by UBS Publishers' Distributors Pvt. Ltd.). Ramesh Chander Dogra (one of the authors of the book) is a scholar on the subject of Sikhism. He received his M.Phil degree at the University of London and has written 11 books and 25 articles, particularly in the fields of Indology and Sikhism etc.. He retired as Librarian (South Asian Studies) at the School of Oriental and African Studies, University of London in 2002. In January

2003, the new year's honour list included his name for the award of MBE (Member of the Order of the British Empire). In his aforesaid book *The Sikh World – An Encyclopaedia – Survey of Sikh Religion and Culture*, he has made references to the term "kesh/kesha". He has recorded the following significance thereof in reference to the Sikh faith:

"Kes/Kesh (hair) is an important part of the human body. The Khalsa must keep to the hair intact and clean. It has been regarded as a symbol of saintliness or holiness. All the gurus kept hair and Guru Gobind Singh laid down an injunction against the removal or cutting of hair. According to scientific research, hair produces Vitamin D which is necessary for physical being. Secondly, by preserving the hair, the energy used in cutting and natural growing again is thus saved. Hair protects the head from heat in summer and cold in winter. The main reason for maintaining hair is the need to look like Guru Gobind Singh, to be blessed with his appearance and outlook. Guru Gobind Singh said: 'Khalsa is my special form; I live in the Khalsa.' So if someone wants to be like the guru, he must adopt his uniform of the five Ks of which kesh (unshorn hair) is an essential part."

Incidentally, Keshgarh Sahib presently the abode of a revered "Sikh gurdwara" also finds mention in his work. For Keshgarh Sahib, the author's description is as under:

"Keshgarh Sahib: Literally, Keshgarh means 'the fort of hair'. This is the shrine where Guru Gobind Rai created the Khalsa. On 30 March, 1699, Guru Gobind Rai gave a call to Sikhs in a huge congregation, asking them to come forward to sacrifice their lives for fighting against tyranny and injustice. Five Sikhs responded to his call, and were given the new baptism – Khande-di-pahul. They were called the Panj-Piyaras (Beloved Five) and received amrit from the hands of the 10th Master. Thereafter, the guru himself begged of them to administer amrit to him in the same manner as he had done. After taking amrit, his name was changed from Govind Rai to Govind Singh.

There is a magnificent Gurdwara built on raised ground at this spot called Keshgarh Sahib; there is also a tank nearby. The shrine contains several weapons of Guru Gobind Singh.



The guru built four forts – Anandgarh, Lohgarh, Kesgarh and Fatehgarh for the protection of the city of Anandpur. An annual fair is held at Takht Kesgarh Sahib on Baisakhi day. In 1978, the Khalsa Panth assembled at Anandpur Sahib and passed the famous resolution which demands a greater measure of autonomy for the Punjab, and the truly federal constitution for the whole of India, in place of the present centralization of power.”

Keshgarh Sahib was the Gurdwara where “khande-ka-amrit” or “khande-di-pahul” was administered to five Sikhs by Guru Gobind Singh for the first time. It is at that juncture that the term Khalsa originated. The significance of the term “kesh/kesha” can be measured from the fact that the place of birth of the Khalsa was named as Keshgarh Sahib – “Fort of hair”.

65. In his *History of the Sikhs* authored by Hari Ram Gupta (published in 1994, by Munshiram Manoharlal Publishers Pvt. Ltd.) in five volumes, deals with all aspects – religious, philosophical, political, military, social, economic and cultural. Professor Hari Ram Gupta had his education at Lahore. He was a lecturer at Forman Christian College, Lahore, Founder Principal of Vaish College, Bhiwani and Head of the Department of History of Aitchison College, Lahore. He served as Professor and Head of Department of History and Dean University Instruction at the Punjab University, Chandigarh. Later he worked as honorary Professor in the Department of History, University of Delhi. As a historian and a scholar not belonging to the Sikh religion, one would expect an unbiased expression in his narration. Volume I of his work refers to the formula of five into five, which is as under:

“The formula of five into five.

For the guidance of his Singhs, Guru Gobind Singh described a formula consisting of five principles each governed by five rules. The five principles were: five beliefs, five symbols, five vows, five deliverances and five rules of conduct.

1. Five beliefs: The Khalsa were enjoined to have five fold belief in God (Akalpurkh), Guru, Granth, Greeting – Wah Guru Ji ka Khalsa, Wah Guru ji ki Fateh, and Guru Nanak's Japji.
2. Five symbols: In those days Hindus of respectable families wore five ornaments: gold earrings, a necklace,

gold or silver bangles, fingering and a waist belt of gold or silver or a tagri. The wearer felt proud of displaying his social position. At the same time he ran the risk of losing these articles as well as his life into the bargain. Guru Gobind Singh provided to his followers five jewels which were within reach of everybody down to the poorest peasant and the lowest labourer. Instead of creating fear in the mind of the wearer, his five jewels made his Singh bold, brave and awe-inspiring. These jewels were kesh or long hair, kangha or comb, kirpan or dagger, kara or steel bracelet and kachha or a pair of knicker-bockers. These symbols gave the Khalsa a semblance of unity, closed brotherhood and equality. They developed group consciousness. Guru Gobind Singh gave the Khalsa a new uniform. This was the spiritual uniform which at once lifted one to the realm divine. Besides the Guru wanted his followers not to be able to hide their identity and face danger boldly, and to remain united in close affinity.

Bhai Nand Lal wrote:

*Nishan-e-Sikhin Panj harf kuf  
Hargiz na bashad azin panj muaf;  
Kara, karad, kachha, kangha bi dan,  
Bina kes hech ast jumla nishan.*

These five letters of K are emblems of Sikhism. These five are most incumbent, Steel bangle, big knife, shorts and a comb; Without unshorn hair the other four are of no significance. The Bhai further recorded:

*Hoe Sikh sar topi dhare  
Sat janam kushti hoe mare*

(A Sikh who wears a cap will be a leper in seven births). Several arguments are advanced in favour of unshorn hair, beards and moustaches:

1. That it was a general practice with the Hindu sages and ascetics and Kshatriya Princess to keep long hair tied in a knot on top and flowing beard, and that Guru Gobind Singh wanted his disciples, in spite of their being householders, to be karam yogis or practical saints like Rama, Krishna Bharata and all the five Pandavas.

2. That the warlike tribesmen of the Northwest Frontier Long hair though trimmed and that the Guru waged his followers to have a similarly impressive and alarming appearance.
3. That the Guru adopted the practice of Goddess Durga of preserving long locks unshorn.
4. That the previous Gurus also had long hair and Guru Gobind Singh wanted his Singhs to develop like Gurus.
5. The most reasonable explanation is that Guru Gobind Singh desired to provide his Khalsa a natural military uniform, the least expensive and most impressive permanent costume. Besides he deemed it necessary that their heads should be properly guarded from sword cuts and lathi's blows by means of long hair and turbans. Very few people at the time would comprehend fully the meaning and importance of this measure. It had taken real brain to invent it.

Comb indicated cleanliness and purity. Steel bracelet developed an iron will and grit, and destroyed all the effects of misfortune. It was a permanent substitute of rakhri, a thread tied by sisters on the wrists of brothers, reminding them of their duty to help and protect them. Similarly the kara served as a reminder to the Sikhs that they had promised to be true to the Guru and the Panth and that promise must be kept at all costs.

Dagger depicted power and prestige. Wearing arms was the privilege and pride of only Kshatriyas and Rajputs. The Khalsa was lifted to the status of Kshatriyas, Rajputs and princes. The pair of knicker-bockers aimed at agility and frugality. It was more convenient for fighting than the long dhoti of Hindus and loose trousers of Muslims. Thus the five symbols of Guru Gobind Singh gave strength to the body, mind and soul and developed an integrated personality of the wearer.

3. Five Vows:- The Khalsa were required not to do five things: (a) to shave or cut hair, (b) to smoke, (c) to eat halal meat of the animal killed in the Muslim style, (d) to wear a cap and, (e) to worship tombs, Graves and relics of cremation and cherish superstitions.

4. Five deliverances: Guru Gobind Singh declared the following five deliverances for his disciples.

- i) Dharam Nash or freedom from previous religious practices and customs.
- ii) Karam Nash or the obliteration of the past bad deeds.
- iii) Janam Nash or the giving up the family influences and caste effects. The Guru explained that all the four castes had been blended into the Khalsa like the betel leaf. When mixed with supari (betel nut), katha (catechu) and chuna (lime), the leaf reddened lips, strengthened teeth, gave flavour to mouth and added heat to the body. Individually none of these things could produce this effect. Similarly the four Hindu castes when united would change them into a flower possessing beauty, bloom, fragrance and freshness. All the castes were blended on a democratic basis in which all were equal and nobody was higher or lower.
- iv) Sharam Nash or the disappearance of hereditary professional distinctions, as all the callings like those of priests, soldiers, traders, weavers, tailors, barbers, cobblers and sweepers were given equal respect and status.
- v) Bharam Nash or discarding the rituals prescribed by previous castes.

5. Five rules of conduct:- Five rules were laid down for the general observations of the Sikhs:

- i) Before beginning every work or enterprise prayer should be offered.
- ii) The Sikhs should help one another and serve the Panth.
- iii) They should practice riding and using arms.
- iv) A Sikh coveting another's property would go to hell.
- v) Regarding sexual matters the Guru said that his father Guru Tegh Bahadur had given him these instructions which should serve as a guide to the Sikhs:

"O son, as long as there is life in thy body, make this thy sacred duty ever to love thine own wife more and more. Approach not another woman's couch either by mistake or even in a dream. Know, that the love of another's wife is a sharp dagger. Believe me death entereth the body by making

love to another's wife. They who think it great cleverness to enjoying another's wife, shall in the end, die the death of dogs."

The Guru declared:

*Par nari ke sej,*

*Bhul sapne hun na jaiyo.*

"Go not ye, even in dream, to the bed of a woman other than your own wife."

The formula of five into five repeatedly makes reference to the preservation of unshorn hair. The restraint from shaving or cutting hair and even concealment of hair with a cap, was considered as a sin, which would lead to the life of a leper in the next seven births.

66. We shall now examine the same issue based on the views expressed by foreign authors/historians, who do not follow the Sikh religion. Max Arthur Macauliffe in his book *The Sikh Religion – its Gurus, Sacred Writings and Authors* (first published in 1909 by Low Price Publications, Delhi), published in six volumes, is an extensive work on the Sikh religion. Max Arthur Macauliffe is recognized as an individual who has carried out extensive research on the Sikh religion. The documentation at the hands of Max Arthur Macauliffe to state the least, cannot be considered as biased in any manner. While dealing with the life of Guru Gobind Singh, Max Arthur Macauliffe made reference to the significance of hair in terms of the teachings of the tenth "Sikh guru". It is appropriate to extract hereunder the views expressed by the author:

"The guru always held the belief that it would be proper and advantageous to his Sikhs to wear long hair and otherwise not alter man's God-given body and the often broached the subject to them. On one occasion they replied that, if they wore long hair, they would be subjected to the banter and annoyance of both Hindus and Muhammadans. The guru then suggested that they should wear arms, and be at all times ready to defend themselves. This advice was adopted. In ancient times the guru said it was the universal custom to wear one's natural hair, and he instanced the cases of Ram Chandar, Krishan, Christ, and Muhammad. 'Why should hair grow if God had meant it to be cut off? A child's hair growth in the womb'. The guru therefore hoped that his followers would never be guilty of the sin of shaving or cutting off their

hair, and those who obeyed his injunctions he promised to consider true members of his faith."

Referring to the preservation of hair by Sikhs, Max Arthur Macauliffe noticed the views of Guru Gobind Singh, that Sikhs were ordained to wear hair unshorn, as the same were the gift of God to man, as he was born. Interestingly, it suggests that wearing hair unshorn at the hands of Sikhs would distinguish them from Hindus and Muslims. After the episode relating to the baptism of five Sikhs at Anandpur Sahib, in 1699, a supplementary ordinance was issued by Guru Gobind Singh. The same has been described by Max Arthur Macauliffe in the following words:

"...A supplementary ordinance was now issued that if anyone cut his hair, smoked tobacco, associated with a Muhammadan woman, or ate the flesh of an animal whose throat had been jagged with a knife, he must be rebaptised, pay a fine, and promised not to offend any more; otherwise he must be held to be excommunicated from the Khalsa."

67. Having examined works of Sikh authors of Indian Origin, non-Sikh authors of Indian Origin, as also, of non-Sikh authors of foreign origin, we are of the view, that it has been unanimously concluded by them, that wearing hair unshorn is an essential tenet of the Sikh religion. This view also emerges from the Encyclopedia of Sikhism compiled by the Department of Religion of the Punjabi University, Patiala. It is also essential to notice, that no such or similar works were placed before us, on behalf of the petitioners to show otherwise.

### The Guru Granth Sahib

68. Insofar as, Guru Granth Sahib is concerned, substantial assistance was rendered to us by Dr. M.S. Rahi, Advocate. His submissions were the same as are contained in his publication titled *The Granth as the Eternal Guru* (first edition published in October 2008, by Singh Legal Foundation).

69. Guru Nanak Dev, the first "guru" of the Sikhs, was born in 1469. When Guru Nanak Dev appeared on the spiritual scene in India, the role of a "guru" (teacher/preacher) was fairly well-defined. In Hinduism, a "guru" was a person who had himself attained spiritual insight, and was in a position to lead his disciples

to discover the same potentialities, within themselves. The ancient epic of the Ramayana and the Mahabharata exemplify the position of a "guru". Similar views are also expressed in Buddhism and Jainism.

70. Guru Nanak Dev, the first "Sikh guru" gave a new dimension to the concept of "guru". He did not believe in a human "guru". He also did not have any personal "guru" of his own. The Sikhs believe that it was his direct communion with God which resulted in God entrusting him (Guru Nanak Dev) with his own mission of teaching people, the prayer of God. Guru Nanak Dev, Sikhs believe, was the medium for spreading the divine name of God. The nine successors of Guru Nanak Dev reiterated the same doctrine. In fact, all the ten "Sikh gurus" crystallised the concept of "guruship" as an institution. Besides having recorded the "moolmantar", 947 hymns of Guru Nanak Dev are contained in the Guru Granth Sahib. Guru Nanak Dev projected the thought, that an individual could realise God only through a "guru". According to the hymns attributed to Guru Nanak Dev, God fills the "guru" with himself. And God having manifested himself in the "guru", the vision of God is transferable to others only through a "guru".

Guru Angad Dev, the second of the ten "Sikh gurus", was born in 1504. Guru Angad Dev furthered the preachings of Guru Nanak Dev by emphasising, that the role of a "guru" was to light the path of humanity in the realisation of God. 63 hymns of Guru Angad Dev are contained in the Guru Granth Sahib. The third "Sikh guru", Guru Amar Das was born in 1479. He was bestowed with "guruship" at the age of 73. 869 hymns composed by Guru Amar Das are a part of the Guru Granth Sahib. Guru Ram Das, the fourth "Sikh guru", was born in 1534. Guru Ram Das wrote 638 hymns which are included in the Guru Granth Sahib. Guru Arjun Dev succeeded Guru Amar Das as the fifth "Sikh guru". He was born in 1563. Guru Arjun Dev planned to compile the teachings of all the "gurus" and of some Sufi saints and "bhagats", whose views were in consonance with the preachings of Guru Nanak Dev. This compilation was described as the Adi Granth. Sikhs accepted it as the physical manifestation and the core principle of Sikhism. Guru Arjun Dev contributed 2312 hymns of his own, to the Adi Granth. Guru Arjun Dev selected 883 hymns of various Sufi saints and "bhagats" for inclusion in the Adi Granth.

It is believed that after the compilation of the Adi Granth, it was installed as the "bani-guru", at a little higher pedestal, along with the fifth "Sikh guru", Guru Arjun Dev. This compilation can be treated as the embodiment of first five "Sikh gurus" resulting in the creation of the Sikh identity. The successive "Sikh guru", Guru Hargobind was born in 1595, to be followed by the seventh "Sikh Guru", Guru Har Rai, who was born in 1630. They were followed by Guru Har Krishan, born in 1656 and Guru Teg Bahadur, born in 1621. At the time of the death of Guru Tegh Bahadur in 1675, the last of the ten "Sikh gurus", Guru Gobind Singh was only nine years old. In 1705, Guru Gobind Singh added 115 hymns of the ninth "Sikh guru", Guru Teg Bahadur to the Adi Granth, but did not add any of his own, even though, he had composed a very considerable body of literature (which was later on described as a Dasam Granth). Guru Gobind Singh, the last of the ten "Sikh gurus", declared that the Guru Granth Sahib would henceforth be the "guru" of the Sikhs. It contains teachings of the "gurus", as were preached by them, in their 239 years history.

71. CM No. 23938 of 2008 was filed in Civil Writ Petition No. 14859 of 2008. Reference is being made to the written arguments recorded therein for making reference to certain excerpts from the Guru Granth Sahib. According to Sikh legend, after coming out of the "bein" (river) on the third day, Guru Nanak observed, that there is neither any Hindu nor any Muslim. These words of Guru Nanak worried, both Hindus and Muslims. They started questioning Guru Nanak's faith. In their desperation, they started repeating the word that Guru Nanak was a "bhutna" (ghost). It is, therefore, that in the Guru Granth Sahib, Guru Nanak observed "koi akhe bhutna, koi kahe betala... bhaeya diwana shah ka Nanak baurana", which means, some call me ghost, and some say that I am a demon, but I am insane, madly in love with the Lord. It needs emphasis that Sikhism is considered to be a revealed religion. Guru Nanak's verses contained in the Guru Granth Sahib, accordingly read "jaisi mai ave khasam ki bani, taisra kareen gyan ve lalo" (as revealed by the Lord, so the knowledge has been narrated). At page 1136 of the Guru Granth Sahib, Guru Arjan narrates as under:

*"I do not keep Hindu fasts nor the Muslim Ramadan.*

*I serve Him alone who is my refuge.*



*I serve the one Master, who is also Allah.  
 I have broken with the Hindus and the Muslims.  
 I do not make pilgrimages to Mecca, nor do I worship in  
 Hindu sacred shrines;  
 I shall serve Him and no other.  
 I will not pray to idols, nor heed the Muslim's namaz;  
 I have put the Lord in my heart, and I humbly worship him;  
 For I am neither a Hindu nor a Muslim."*

At page 885 of the Guru Granth Sahib, one can trace the following "shabad" of Guru Arjan Dev Ji:

*"Some call him Rama, others Khuda,  
 Some worship him as Gosain, others as Allah.  
 He is the cause of causes, the kind Lord  
 He shows his benevolence on us  
 Some bathe at the Hindu sacred places,  
 others visit Mecca.  
 Some perform the Hindu worship,  
 others bow their heads in the Mohammedan fashion.  
 Some read the Vedas,  
 others the Muslim Koran  
 Some wear white, others blue.  
 Some call themselves Hindus,  
 others Muslims.  
 Some aspire for heaven (Hindus)  
 others for paradise (Muslims)  
 But he who recognises God's Will, says Nanak,  
 knows the secrets of the Lord."*

Our attention was also invited to the narration at the hands of third "Sikh guru" Guru Amar Das at page 601 of the Guru Granth Sahib, which reads as under:

*"He alone is a Sikh, a friend, a relative and a sibling, who  
 walks on the path of the "Guru's will."*

The narration of Guru Ram Dass, the fourth "Sikh guru", at pages 305-306 of the Guru Granth Sahib is to the same effect as above, and is to the following effect:

*"He who calls himself a Sikh of the Guru:  
 He shall rise early in the morning and contemplate the name  
 of Lord."*

*He shall then bathe in the pool of nectar in the early hours of the day.*

*He shall dwell upon the Lord through Guru's word and reflect on God's name all the time."*

At page 1412 of the Guru Granth Sahib, the direction is to the following effect:

*"Should the head be filled with the passion of love for God. Then only join me on my path with the head placed on your palm;*

*He who treads this path-*

*Be prepared to give up your life without demur."*

Reference has also been made to hymns of Bhagat Kabir Ji at page 1105 of the Guru Granth Sahib, which reads as under:

*"He alone is known to be a spiritual warrior who fights for the sake of his religion.*

*He prefers to die cut pieces, but does not desert the battlefield i.e. the principles of his religion."*

72. It is on the basis of the aforesaid extracts from the Guru Granth Sahib, that a large number of learned counsel representing the respondents referred to "rehat-maryada", as also, the "ardas" in order to submit that the path for the Sikhs, as also, their prayer at all times, inter-alia, mandates the requirement for all Sikhs during the subsistence of their lives to retain their hair unshorn. It is in this manner, that respondents desired us to conclude, that even from the Guru Granth Sahib, it can be inferred that a Sikh is ordained to retain his hair unshorn, and that, the path of spiritual elevation depicted in the Guru Granth Sahib mandates, that an individual should follow the aforesaid path.

73. As against the aforesaid contention, it is the submission of Shri Rajiv Atma Ram, Senior Advocate, based on his research on the internet that the words "sehjdhari" and "keshadhari" do not appear in the Guru Granth Sahib at all. He further states, that there is no direct command in the entire Guru Granth Sahib requiring the Sikhs to retain their hair unshorn. It is, therefore, submitted on behalf of the petitioners, that it would be a misnomer to conclude, that the Sikh religion mandates the retention of unshorn hair, as a *sine-qua-non*, for those professing the Sikh faith.

74. We have considered the submissions advanced by the learned counsel for the parties. Our attention was also invited to some

verses from the Guru Granth Sahib where reference was made to "kesh/keshas". We have intentionally not extracted any of them herein. Some such hymns have been referred to in the submissions recorded hereinafter as were advanced by interveners who were allowed to address the Court. In all such verses cited before us, we came to realise that reference to hair ("kesh/keshas") was contextually different from the issue which we have been called upon to adjudicate. In our view, the Guru Granth Sahib is a treatise limited to the expression of the moral and spiritual code of conduct for Sikhs. The Guru Granth Sahib is also a guide / teacher /prayer for Sikhs to lead them to salvation i.e. merger with God. The physical aspects of the Sikh faith, in our view, can be rightfully traced only from the "Sikh rehat-maryada" and from other preachings of the "Sikh gurus" connected to the code of conduct in their day to day life. It would be wrong, therefore, to look for an answer to the controversy, whether or not, Sikhs are ordained to maintain their bodily hair unshorn from the Guru Granth Sahib.

#### Views expressed by Intervenors:

##### Shri Gurtej Singh

75. CM No. 2941 of 2009, was filed by the Shiromani Akali Dal Panch Pardhani through its General Secretary with a prayer, that Shri Gurtej Singh, formerly a member of the Indian Administrative Service, and also a Professor of Sikhism, be allowed to address this Court. With the aforesaid application, the bio-data of Shri Gurtej Singh, running into ten pages, was appended as an annexure. The aforesaid annexure reveals, that Shri Gurtej Singh, is a Post-graduate in history, having taught the subject of history at the Panjab University, Chandigarh, Loyalpur Khalsa College, Jalandhar and Gurmat College, Patiala. He was selected to the Indian Police Service and commenced training thereof in 1970. In the meantime, he was selected to the Indian Administrative Service and came to be appointed as such in 1971. His interests range from politics to writing. It is asserted that he has been working for human rights for more than one and a half decades. His bio-data reveals, that he has written extensively on the Sikh religion. During the course of hearing, he informed us that he was designated as Professor of

Sikhism, by the SGPC, and that, he had been lecturing on the subject of Sikhism in colleges run by the SGPC.

76. According to Shri Gurtej Singh, the Sikh religion is based on the prophetic vision of Guru Nanak and his nine successors "Sikh gurus". All the ten "Sikh gurus" are deemed Nanaks in ten historical forms. The 10th "Sikh guru" is allegedly referred to as "Guru Gobind Nanak" in official records of the contemporary Mughal Administration. The Sikh religion is based on the description of the will of God by the "Sikh gurus". It is the submission of Shri Gurtej Singh, that based on divine revelation, Guru Nanak Dev disclosed the factum of the Ultimate Reality ("Akal purakh"). According to the revelation, "Akal purakh" created the universe out of himself ("saachai te pavana bhaiya, pavanai te jal hoe, jal te tribhavan saja..."). Shri Gurtej Singh submitted that Guru Nanak Dev propounded the theory of transmigration of the soul, whereby a soul transmigrates into various forms of life until another human birth becomes possible. According to Sikh philosophy, it is only possible to achieve salvation and merge with "Akal purakh" during the course of a human birth. A human birth is, therefore, a rare opportunity to achieve salvation. Shri Gurtej Singh pointed out that humans can be divided into two categories, firstly, those who pursue their own will (called "manmukh"), and secondly, those who pursue the directions of "Akal purakh" (called "gurmukh"). Shri Gurtej Singh emphasised that for merger into "Akal purakh", it is necessary to follow the path of a "gurmukh". For the aforesaid merger, during the course of a human life, the individual must totally accept and adopt the revealed attributes of "Akal purakh", until no qualitative difference remains, between the existence of the human and the divine exists. Insofar as, physical discipline is concerned, the suggested discipline is calculated to keep the body healthy so as to be in a battle-fit condition. This can be done by scrupulously maintaining the body in the form in which "Akal purakh" had created it. This, therefore, necessarily involves maintaining the bodily hair in the original form. Shri Gurtej Singh stressed that the temptation to appear better groomed, is an aesthetic falsity. The Sikh tradition, according to him, perceives the act of removing hair, to be a denial of the principles of growth, procreation and regeneration. The importance of unshorn hair under the Sikh

religion can be gauged by the fact, that it is also one determining fact, whether an individual on the completion of his life span, will transmigrate in another form of life or would become fully "Akal purakh" oriented, and therefore, would merge in the "Akal purakh". According to Shri Gurtej Singh, the Guru Granth Sahib lays down a whole range of mental attitudes, cultural mores and moral values. The Guru Granth Sahib also precisely defines mental and physical discipline, which a seeker must adopt, to establish his enduring relationship with the "Akal purakh". This, according to Shri Gurtej Singh, results in making an individual fit to serve humanity, and thereby, to serve the "Akal purakh", who inheres in all his creations. Insofar as, the physical form is concerned, it is submitted, that when ascribing to the human form and its elevation to the Ultimate Reality, the "Sikh gurus" describe the "Akal purakh" invariably as one with full-length hair. Referring to verses expressed in the "additional submissions" presented to this Court, he points to the English translation thereof, which reads as under:

"You have shaped the beautiful mould out of yourself. You have created women and men whose eyes, teeth, nose are well formed—very beautiful. Sitting within them Master, you are lighting the life's lamp. My Master your eyes are handsome, your teeth are beautiful, your nose is becoming and your full length hairs are wonderful. God! Your body is poised and healthy as if it were moulded in gold."

Another verse in his "additional submission" reads as under:

"All that is valuable in the world, the eight miraculous powers of the Jogis are present in the wonderful taste of Your Name. He with whom the one with beautiful long hair is pleased, they live singing God's praises."

And thereafter, as under:

"God, Sustainer, Master of Creation, Compassionate, One with full length hair help me cross over the ocean of existence by keeping me safe in Your protection."

Yet another verse cited by Shri Gurtej Singh reads thus:

"All pervasive destroyer of discomfort who is far removed from the influence of the mundane! Bless me that I remaining steadfast along with the congregation, I may ever live in Your remembrance.

One with beautiful long (full length) hair! rid me of sins,  
Nanak says, I live hoping to catch glimpse of You."

The last verse referred to by Shri Gurtej Singh, which we desire to extract herein reads as under:

"God's name is the support of those who have none. It is the wealth of paupers, Master, sustainer of the abandoned. The long haired Master is the strength of the helpless."

According to Shri Gurtej Singh, a person who takes refuge in the "Guru" and obeys his command, becomes eligible for the final merger with "Akal purakh". The "Guru" through his divine ordain requires that the form of the "Akal purakh" should be precisely imitated. The "Akal purakh" must be imitated in the physical form, as well as, in his abstract attributes. According to Shri Gurtej Singh, it is for this purpose that all the ten "Sikh gurus" retained the physical form comprising of full-length hair, and made it mandatory for those who wished to attain spiritual salvation.

77. According to Shri Gurtej Singh, the evidence to substantiate that the "Guru" in all his ten human forms, was "keshadhari" can be drawn from Bhai Gurdas, who was the nephew of the third "Sikh guru" Guru Amar Das and a companion of the fourth, fifth and sixth "Sikh gurus". He had actually seen four of the "Sikh gurus" in their physical form. Bhai Gurdas wrote a severe condemnation of the Minas (the followers of Prithi Chand, the son of Guru Arjun Dev), who did not keep their hair unshorn. In their physical form, therefore, according to Shri Gurtej Singh, Sikhs are required to retain their hair unshorn.

78. According to Shri Gurtej Singh, the prescribed inner discipline for an individual under the Sikh religion, obliges an individual to believe in one "Akal purakh, who is the lone creator, sustainer and destroyer of the universe. His divine law ("hukam") prescribes precisely how God created life, be it human, non-human, material or subtle. Under the Sikh faith, total acceptance of "hukam" according to Shri Gurtej Singh, facilitates union with God. Shri Gurtej Singh also referred to certain necessary steps postulated in the Guru Granth Sahib, as for instance, the five major impediments that leaves no room for spiritual elevation in a person, namely, "kam, krodh, lobh, moh, ahankar" (desire, passion, greed, attachment and arrogance). According to Shri Gurtej Singh, under the Sikh religion, the importance of abstinence

from the aforestated five major impediments, is not distinguishable in the matter of importance. The "hukam" includes the mandate to sustain the human form as provided by the "Akal purakh", which includes amongst others, maintaining bodily hair in the form and to the extent they are naturally available.

79. According to Shri Gurtej Singh, in spiritual terms, the state of equipoise is called "sehij". In this state, a person remains calm and balanced under all circumstances, in normal day-to-day life, be it in the field of battle, and be it on the seat of authority, or be it in a torture chamber or on the gallows. It is the "sehij" existence which leads one to ascending the limitations of matter, and ensures to a large extent, merger into the precreation poise of "Akal purakh". According to Shri Gurtej Singh, preachings of the Sikh religion for about 239 years (from 1469 - 1708) culminated into two events that took place during the period of 10th Nanak i.e. Guru Gobind Singh. On the Baisakhi day of 1699, the 10th Nanak formally initiated the complete person of the Gurus' conception: as a "Singh". This was sought to be done by administering "amrit" and by precisely describing the religious vows to be observed by a Singh. According to Shri Gurtej Singh, these vows include an injunction to maintain bodily hair in the natural state. Four taboos were also prescribed. Adoption of any of those taboos, were considered a matter of grave indiscipline, meriting immediate suspension from the faith. Cutting or trimming of hair, was also one of those taboos.

80. According to Shri Gurtej Singh, the spot at which the Baisakhi of 1699 was celebrated, has ever since been called Keshgarh Sahib. One of the foremost philosophers, Sirdar Kapur Singh, has translated the term "keshgarh" to mean "the blessed fort of uncut hair". It is now accepted as one of the sovereign seats of the Sikhs as it has been assigned the status of a "takht" (throne) by the Sikhs. This also depicts the importance given to physical appearance of unshorn hair by the "Sikh gurus" who required the followers of the Sikh religion to keep their hair unshorn. This aspect of the matter is also conclusively ascertainable, according to Shri Gurtej Singh, from the "rehatnamas" (codes of conduct) prescribed for Sikhs.

81. According to Shri Gurtej Singh, the tenth Nanak ceremonially nominated the Guru Granth Sahib, as the eternal successor, to the

throne of perpetual "guruship". Thereafter, the Sikh faith has accepted the concept of Guru Granth Sahib as the state and mystic body of the "Sikh guru". The ordained path, according to Shri Gurtej Singh, can be called "guru khalsa panth" the path to be followed by the "khalsa" of the "guru" only as long as the Sikh disciple continues to accept the supremacy of the "guru's" will, spelt out in the Guru Granth Sahib.

82. Shri Gurtej Singh also pointed out, that with the help of the SGPC, the "Guru Khalsa Panth" formulated a code of conduct for the guru's followers. It is known as the "Sikh rehat-maryada". The "Sikh rehat-maryada" is in conformity with the teachings of the Guru Granth Sahib. According to Shri Gurtej Singh, it includes the keeping of bodily hair uncut, as a measure of religious and spiritual discipline. Shri Gurtej Singh also referred to the congregational prayer i.e. the "Sikh ardas", which every Sikh is required to repeat twice a day and during the course of Sikh congregations. This prayer embodies Sikh aspirations and lays down Sikh obligations. Through this prayer, every Sikh prays for the divine gift of uncut hair, to last as long as life remains in the body.

83. According to Shri Gurtej Singh, it is universally believed that almost upto his very last breath, the tenth Nanak summed up his entire mission in a pithy statement: "pooja Akal ki, parcha sabad ka, didaar khalse da, ate Sikh bhala sarbat da lochai". This has been used to express the core philosophy of the faith since then. Its nearest English translation would read: 'a Sikh must worship Akal alone, must take the Word to be the measure of personal conduct, must consider the Khalsa physical form to be ideal and must ever strive for the welfare of the entire humanity'. According to Shri Gurtej Singh, those who now call themselves "sehijdharis" (believers and followers of the Sikh religion who cut their hair and shave their beard) appeared on the scene much later. The formal nomenclature appears to have come only after 1911, much after the Sikh rule (formally designated as "sarkar khalsa jio" translatable as 'People's Republic lead by the Khalsa') was extinguished. In this period, they occupied the "gurdwaras". With the firm establishment of the British power in the Punjab they became their most trusted allies in an attempt at shaping the Sikh faith to suit the imperial design. They occupied the Sikh shrines and had to be thrown out



at a huge cost. Hundreds of Sikhs courted martyrdom, bore indignities, paid heavy fines and suffered long incarcerations to rid the "gurdwaras" of the so-called "sehijdhari" control.

84. As a matter of conclusion, it is submitted by Shri Gurtej Singh, that the form in which the "Sikh gurus" expect Sikhs to look, has been defined clearly by the 10th "Sikh guru", Guru Gobind Singh. It is his submission that it would be safe to conclude, that the only external form in which a Sikh is acceptable to the "Sikh gurus", is that of a duly initiated "amritdhari" Sikh with his bodily hair fully intact.

### Shri Pavit Singh Mattewal, Advocate

85. Shri Pavit Singh Mattewal is a budding advocate of this Court. He has shown keen interest in the proceedings of the present writ petition. Insofar as, his submissions before this Court are concerned, besides advancing oral submissions, he also handed over to us a synopsis of his views. In his submissions, Shri Pavit Singh Mattewal also incorporated the historical impact of events on the Sikh religion. He has described the virtues of the concept of "khalsa" and the significance of "sehaj" for the Sikh religion. He has also advanced views on the significance of unshorn hair for the disciples of the Sikh faith, drawn from the five "kakkars". We are narrating hereunder the views expressed by him.

86. According to Shri Pavit Singh Mattewal, the Sikh religion was founded by Guru Nanak Dev. Guru Nanak Dev, as also, the successor "Sikh gurus", instructed followers of the Sikh faith, about the evolutionary process of spiritual achievement. A "guru", according to Shri Pavit Singh Mattewal, is essential for any level of spiritual achievement. After the ten human "Sikh gurus", the Guru Granth Sahib is considered by the followers of the Sikh religion, as the perpetual embodiment of the "Sikh gurus". The word "guru" is stated to be derived from the word "gu-" meaning darkness, and the word "ru-" meaning light. Therefore, according to Shri Pavit Singh Mattewal, a "guru" is one who leads a disciple from darkness to light. In other words, a "guru" leads a man from mere animal existence to salvation. According to Shri Pavit Singh Mattewal, as per the Sikh faith, a person who follows the "Sikh rehat-maryada", travels from darkness to light.

87. The original Sikh religion followed by the disciples of the ten "Sikh gurus", came to be crystallized, according to Shri Pavit Singh Mattewal, with the creation of the "khalsa". According to him, creation of the "khalsa" was the result of historical facts of the time. Summarily, it is pointed out that at the time of the last of the ten "Sikh gurus", State-sponsored terrorism against infidels (non-Muslims) was at its peak. The primary objective, of the rulers of the time, was to wipe out the Hindu "dharma" (religion). The efforts of the "Sikh gurus" to seek the support of the hill "rajas" against this onslaught at the hands of the rulers of the time, did not achieve any results. In fact, the hill "rajas" were not supportive of strenuous efforts made in this direction by Guru Gobind Singh. It is in these circumstances, that Guru Gobind Singh created the "khalsa", to sow the seeds of hope in the minds of the Hindus so as to relieve them from their fear of the Muslims, as also, as a matter of repulsing the oppression of the then rulers. It is in these circumstances, according to Shri Pavit Singh Mattewal, that Guru Gobind Singh declared, that when all modes of redress against a strong wrong-doer have failed, recourse to the sword is pious and just.

88. The definition of the "khalsa Sikh", according to Shri Pavit Singh Mattewal, is the same as "guru khalsa roop" (appearance of the "gurus" "khalsa"). The definition of "sehajdhari Sikh", "keshadhari Sikh" and "patit" flow, according to Shri Mattewal, from the definition of "khalsa". The "khalsa" has been referred to as the very image of the "Guru". The five "kakkars", following the teachings of the "Masters", incorporate adherence to "rehatnamas" and baptism collectively and mandatorily, these are the *sine qua non* for entering the realm of a "khalsa Sikh". The definition of "khalsa", according to Shri Pavit Singh Mattewal, could not be that of convenience. A Sikh can either be a "khalsa Sikh" or not a Sikh at all. Following sincerely, the teachings of the "guru" and following the "maryada", according to Shri Mattewal is a means to the end, for entering the realm of "khalsa". The goal and aim of every Sikh is to achieve "brahma gyan" (the ultimate knowledge) leading to realisation of God. According to Shri Pavit Singh Mattewal, the means to achieve the ultimate knowledge is to follow the teachings of the "guru" with complete surrender. "Panj kakkari amrit" (blessing of the five "kakkars") according to

Shri Pavit Singh Mattewal, was a condition specifically prescribed for the "khalsa".

89. According to Shri Pavit Singh Mattewal, there is a clear yet subtle distinction between a "keshadhari Sikh" and a "sehajdhari Sikh". It is suggested that there is no difference between a "keshadhari" who has not taken his/her "khalsa amrit" and a "sehajdhari". The "khalsa" is the very image of the "guru," the highest state of evolution in spiritual and temporal terms. The stage at which a Sikh is one with the "guru". The "khalsa" is the ideal, pure and perfect disciple who after following the teachings of the "guru" has become the very image of the "guru". The highest status amongst Sikhs, was given to the "khalsa" who has been referred to as the "guru" himself. The evolution of a Sikh is dependent upon his following sincerely the "guru's" instructions and the "guru's" grace.

90. According to Shri Pavit Singh Mattewal, the word "sehaj" (in Sanskrit, "sahaja") implies grace, poise, unhurriedness and the word "dhari" stands for adopting or accepting. All Sikhs who are "gurmukh" are "sehajdhari". Till the achievement of the state of oneness with the "guru", a Sikh is a "sehajdhari". The Guru Granth Sahib has been called the Granth of the "kali yuga", where learning is comparatively difficult since the world is engulfed in darkness. "Sehaj" refers to spiritual evolution and the steps taken by a Sikh while following the "guru's" teaching towards attainment of God i.e. the ultimate goal. A "sehajdhari" is expected to be subject to human weaknesses of five varieties - "kam", "krodh", "lobh", "moh" "abhiman". The gradual inching or gradual understanding as the popular Punjabi saying "sehaj pake so miththa hoe" (that which ripens gradually is sweet) is also referred to as "sehaj". Whereas a "khalsa" is a perfected individual, and is free from the five "dosh". According to Shri Pavit Singh Mattewal, a "sehajdhari Sikh" is one who is gradually inching towards the spiritual path, but who has not yet achieved perfection. Teachings of the "guru" propel, urge and push the disciple to achieve higher spiritual evolution by following the teaching of "naam daan and isnaan", which according to Shri Pavit Singh Mattewal, flow from the Guru Granth Sahib in the following translated verse:

"The one who calls oneself as the Sikh of the guru, gets up

early in the morning and contemplates on the Name (the Almighty)...(that Sikh) when ponders upon the teachings (jap) of the guru and contemplates on the Almighty, can get rid of his sins and evil deeds."

91. According to Shri Pavit Singh Mattewal, in "gurbani" and in "gurmukhi", "sehaj" means pure grace or in the grace of God. Countless times in the Guru Granth Sahib, "Sikhi" (the Sikh religion) itself is referred to as "sehaj dharam" (the dharma of pure grace). "Sehaj" in Sikhism, according to him, refers to a state of mental and spiritual equipoise without the least intrusion of ego; unshaken natural and effortless serenity attained through spiritual discipline. "Aham" or "haumai" (ego) develops out of the undifferentiated primordial being as a result of the socio-cultural conditioning and factors that are generated as a result of a process of individuation. When this ego is quelled, and one resides once again in the innate, undisturbed, effortless state of the soul "sehaj" is said to have been attained. Although, described as an "avastha" (state) in fact, according to Shri Pavit Singh Mattewal, it transcends all states, for it is a return to the soul as it was before any 'states' differentiated or derived from it. The word "sehaj" is derived from Sanskrit twin roots: "saha, together and "ja" born. Thus, it means born together (with oneself), hence innate. It signifies innate nature, or one's natural spontaneous self shorn of all external conditioning influences that cramp the soul.

92. According to Shri Pavit Singh Mattewal, to appreciate fully the meaning of the Sikh concept of "sehaj", it may be looked at from various aspects. It can be seen as a state of illumination, one of heightened consciousness "sehaj rahas" (mystical awareness or intuitive knowledge). In this state the duality of subject and object (which results from a process of individuation and ego-formation) vanishes. Since all feelings of duality, basically develop around the subject-object dichotomy, with the dissolution of the latter, these disappear, distances vanish and reality comes to be perceived with the impact of immediacy. In its cognitive aspect "sehaj" is a state of freedom wherein everything happens with natural ease "sehaj subhai". On the emotive or aesthetic planes, it signifies the discovery of the great harmony within as well as without. In "sehaj", as it were, an inner door "dasam dvar" of aesthetic perception opens up, and one directly perceives the rhythmicity

of one's being a wave in an "anhat nad" (unstruck melody), which is accompanied by a pervading feeling of "sehaj anand" (unconditioned bliss). A deeper significance of existence seems to emerge in "sehaj". When one becomes oriented to it, emotional turbulence ceases. Pleasures and pains pass like ripples over the surface while the mighty deep underneath remains unruffled. This is how, according to Shri Pavit Singh Mattewal, "sehaj" epitomises mental equipoise, in which all turbulence of emotions is calmed. While the egocentrics abide in doubt and carry anxieties in their heart which permit them to sleep, the wise wake and sleep in "sehaj". Accordingly, he referred to a verse from the Guru Granth Sahib "manmukhi bharamai sahara hovai. antari chinta nid na sovai. giani jagahi savahi subhai. nanak nami ratia bali jau" which means, peace being the hallmark of this state, all running about and all feverish pursuits cease, wandering itself is worn out, for now a new dignity in life is found.

93. "Sehaj", according to Shri Pavit Singh Mattewal, has been called a state of freedom. It betokens freedom from "trishna" (desire) and from "dvandva" (conflict) and from "maya" (illusion). One is liberated from the compelling influence of social compulsions, yet one does not become a fugitive from social responsibility. On the contrary, since one is also cured simultaneously of the equally tempting compulsion of egoism, one no longer lives for oneself. One lives more for others. In "sehaj" one is also liberated from the servility of carnal needs. In this state neither drowsiness nor hunger remains; and one ever abides in the divine bliss of "Hari nam" (God's name).

94. Although illumination, spontaneity, freedom, equipoise and harmony may be described as the chief characteristics of "sehaj", according to Shri Pavit Singh Mattewal, there are several other subtle characteristics of this state alluded to at several places in the Guru Granth Sahib as, for example, according to Shri Pavit Singh Mattewal, in the following translated passage:

*"One who abideth in sehaij  
Looketh alike on friend and foe.  
What he heareth is essence true;  
And in his seeing is meditation.  
He sleepeth in calm, he riseth in peace  
From 'being' to 'becoming' with natural ease.*

*Sad or glad, he abideth in sehaj;  
Effortless his silence; spontaneous his utterance  
In poise he eateth, in poise he loveth.  
In sehaj he findeth distances bridged."*

According to Shri Pavit Singh Mattewal, the ultimate objective of the preaching of Sikhism, is to achieve a "sehaj" state of mind. A state which is in complete balance, is natural and spontaneous. 95. According to Shri Pavit Singh Mattewal, five "kakkars" (articles of faith) were laid down as essentials. These "kakkars" included "kesh" (hair), "kara" (steel ring), "kachhehra" (knickerbocker), "kangha" (comb) and "kirpan" (sword). According to him, keeping uncut hair is a matter of great importance to the followers of the Sikh faith. Keeping hair unshorn has historical significance as well. It is submitted by him, that the importance of hair is traceable to the Bible. The Bible refers to a man named Samson, who allegedly obtained supernatural powers through his unshorn hair. His opponents later cut his hair and consequently, overpowered him as he lost his powers. According to Shri Pavit Singh Mattewal, it is also a fact that most of the world prophets, saints including Jesus, the "Sikh gurus" and Hindu preachers retained their hair uncut. According to him, Sikhs believe that God is a perfect creator. It, therefore, follows that whatever God creates, is perfect. Since hair are given to man by God, keeping hair unshorn is the recognition of God's perfection, and for the Sikhs, keeping unshorn hair amounts to the submission to the will of God.

96. In the synopsis furnished by Shri Pavit Singh Mattewal, with reference to "kesh" (hair) as one of the "kakkars", it is noticed that uncut hair is a mark of the Sikh identity. The tenth "Sikh guru" instructed all the Sikhs to come before him, with long hair and weapons. Long hair, according to Shri Pavit Singh Mattewal, is a depiction of sacrifice for the Sikhs, in as much as, a large number of Sikhs preferred to die rather than allow their hair to be cut. Illustratively, he has referred to the sacrifice made by Bhai Taru Singh, who preferred to have his scalp removed instead of his hair cut. It is, therefore, the submission of Shri Pavit Singh Mattewal, that unshorn hair are essential ingredients of the Sikh religion.

97. Shri Pavit Singh Mattewal made reference to extracts from the Guru Granth Sahib, the preachings of various "bhagats" of

significance, the "rehitnama" of Bhai Nand Lal, the Sikh "rehat-maryada" published by the SGPC, the "hukamnama" of Akal Takht extracted from the book titled *The Sikh's Image of a Heritage* by T.S. Randhawa, IAS, to conclude that unshorn hair are an essential component of the Sikh faith.

98. The conclusions of Sikhism have been summarised by Shri Pavit Singh Mattewal to the following effect:

The teachings of all eleven "gurus" have to be seen cumulatively. Every Sikh knows in his heart whether he is a "patit" or is a "khalsa". When the disciple becomes one with the "guru", that is the point of achievement of the "khalsa avastha" as the highest goal. "All keshadharis" cannot be treated as having achieved the state of "khalsa". A "keshadhari" also falls within the ambit of "sehaj". Only "kesh" will not suffice to inch towards perfection. Following the "guru's" teaching in their spiritual journey will have the desired result. It is submitted that following the "guru's" teachings are a means to an end. The "khalsa" being the perfected Sikh, and the very image of the "guru", the "khalsa" has all the attributes or "gunas" (virtues) of the "guru" himself. The standard, therefore, is of the highest of the "guru's" attributes or qualities. Sikhs as disciples would not be able to evolve in a day or in a fixed time period. Since it is not a question of days, it may as well be a question of a lifetime! The spiritual evolution depends upon the Sikh's previous "karmas", his "kshamta (capacity) and the "guru's" grace. The following of the "guru's" profound word or its understanding may not be grasped outside time or space. The entire teachings make the gamut of the code of religious conduct. The entire teaching of the "Sikh guru" is "rehitnama". The "gurus" have instructed lead by example as well.

### Shri Atinder Pal Singh

99. Shri Atinder Pal Singh regularly attended the hearing of this case. He was Senior Deputy President of the All India Sikh Students Federation in the year 1983. He remained underground in connection with the Punjab agitation, and was also imprisoned. He was elected as a Member of Parliament in 1989 ( i.e. to the

9th Lok Sabha) representing the Patiala constituency. He claims to have worked as a journalist, an agriculturist and a religious missionary and also as a political and social worker. *Saman Sakhi* (a collection of poems in Punjabi), *Brief History of Sikhs*, *Hai Bhi Sach*, *Kya Ham Samprabhu Hain* (a booklet) are some of his publications. He was the Sub-editor of the Punjabi magazine *Zabaan*. He organises and holds camps on "gurmat" for social, political, educational, intellectual and religious development of youth, especially for the Sikh youth. Shri Atinder Pal Singh has placed on record written submissions, supplemented with various extracts and photographs. He has also made oral submissions. Having gone through his written arguments and having heard his oral submissions, we are summarizing hereafter, the viewpoint expressed by him.

100. In the first part of his submission, he has emphasized that the true meaning of the words "sikh", "singh", "khalsa", "gurmat", "manmat", "sirgum", "tankhahiya", patit", "bajjar", "kurehit" etc. cannot be understood in any language other than in "Gurmukhi" or "Gurbani" (the holy edict). In fact, it is a matter of emphasis at his hands, that the aforesaid terminology cannot be understood with reference to any other language. This is the first part of his submission and has, accordingly, been recorded by us as a matter of preface before adverting to the text of his submissions.

101. According to Shri Atinder Pal Singh, it is essential to refer to the "Sikh rehat-maryada" written by authors like Dr. Ganda Singh, Bhai Desa Singh, Bhai Gurdasji and others to understand who is a true Sikh. He has extracted in his written submissions views expressed by the aforesaid authors to record the conclusion, that the meaning of the word "Sikh" as is commonly understood, namely, "shish" (a person in the process of learning) is wholly fallacious and not acceptable. According to Shri Atinder Pal Singh, if the aforesaid meaning of the term "Sikh" is accepted, it would lead to the inference, that a Sikh is either a yes-man, or is a person with a mentally weak capacity, and as such, incapable of taking any independent decision. According to him, if the aforesaid superficial meaning of the term "Sikh" is accepted, a Sikh will be considered to be one, who always obeys and follows his "guru", and as such, is subservient to his "guru". This would be contrary to the Sikh



religion, wherein a Sikh having achieved spiritual elevation under the guidance of a "guru", merges with the entity of God. The aforesaid superficial meaning of the word "Sikh", therefore, according to Shri Atinder Pal Singh, cannot be accepted, so as to render any valid determination in respect of the Sikh religion. Explaining the matter further, it is the submission of Shri Atinder Pal Singh, that translation of the word "Singh" is commonly accepted as "lion". This literal translation, according to him, cannot also be a valid basis for determining the true and deep meaning of the word "Singh". According to him, if a "Singh" is accepted to be a "lion", it would amount to changing a human into an animal form. It is, therefore, the contention of Shri Atinder Pal Singh, that the common meanings of the words "Sikh" or "Singh" should not be accepted, while recording any conclusion in the instant case.

102. According to Shri Atinder Pal Singh, preserving hair uncut is a fundamental discipline of every Sikh. In order to establish the aforesaid assertion, he has made reference to extracts from the Guru Granth Sahib. According to him, a Sikh cannot be imagined with cut hair. To strengthen his aforesaid submission, he has made a reference to a dialogue between Guru Nanak Dev and Shah Bhau Deen Peer at Mecca (Saudi Arabia), wherein Guru Nanak Dev had compared a man who had cut his hair with "sirgum" (i.e. a man who does not have a head). To impress upon this Court, the importance of unshorn hair for the Sikh religion, Shri Atinder Pal Singh, has made reference to edicts issued by Bhai Nand Lal, extracts from Janam Sakhi, as well as, old photographs/paintings, wherein all the "Sikh gurus" have been depicted with unshorn hair. He has also made a reference to the "hukamnama" stated to have been written by Guru Gobind Singh on 26th Jeth, 1576 Samvat (16th May, 1699) wherein he addressed his followers at Kabul (in Afghanistan). In the aforesaid "hukamnama", Guru Gobind Singh had equated a Sikh with unshorn hair, as one bearing the seal of the "guru". He has argued that without unshorn hair, and a turban, the existence of a Sikh cannot be imagined. According to him, in every prayer of the Sikhs, they pray for unshorn hair. In this behalf, reference has been made by Shri Atinder Pal Singh to the "Sikh ardas". According to him, a Sikh who has cut his hair, cannot be treated as a Sikh. In fact, he has compared a Sikh with his hair

cut, to a student who has voluntarily got his name struck off from the rolls of his school or college. According to him, a person whose name has been struck off from the rolls, cannot be considered for any benefits from his school or college. It is, accordingly, his submission that all such children, who do not wear their hair unshorn, are not entitled to admission as Sikhs, in minority institutions administered and managed by the Sikhs.

103. According to Shri Atinder Pal Singh, there is no mention of the word "sehijdhari" in the entire text of Guru Granth Sahib, running into 1430 pages. It is his submission that the word "sehijdhari" is an ante-thesis to the word "Sikh". According to him, the word "sehijdhari" has been coined with a view to insult and breach the Sikh religion. He has further submitted that a "sehijdhari" cannot be considered to be a person inching towards becoming a full-fledged Sikh, slowly and gradually by adopting the "Sikh rehat-maryada", as has been submitted by Shri Pavit Singh Mattewal, Advocate. It is the contention of Shri Atinder Pal Singh, that the term "sehijdhari Sikh" has been used in the Sikh Gurdwaras Acts of 1925 and 1971, as a matter of political consideration, without the aforesaid term having any nexus or reference to the Guru Granth Sahib.

104. To answer the question whether unshorn hair are essential for a Sikh, according to Shri Atinder Pal Singh, one must first find out why it is necessary to have hair. According to him, this is a baseless issue, because this will amount to denying a truth which is universal. The existence of the mankind depicted by Guru Nanak, and in the Guru Granth Sahib, according to Shri Atinder Pal Singh, is that a man gets the format of a human existence only once, for this he has made a reference to the verse "jo kicch paia so eka vaar", which means, whatever you have, is for once. With the will of God, according to him, man came into being, and for this, reference has been made to the verse "hukam hukam hoa aakar". The existence of the human body is a composition of blood, flesh, life and fire, for this he has referred to the verse "rakt-bind ka eh tano, agni pass puran." In the control of breath (air) body contains truth in its mind, for this he has referred to the verse, "pawane ke vas dehuri mastak sach nisan". He emphasised that a drop of water and a drop of blood made up the human body

"jal ki bhit, pawan ka thamba, rakt bund ka gara". According to him, "haad maas narhi ko pinjar pankhi base bichara" is the principle of the "gurus" as is also clear from the "shabad" (verse) "maat pita sanjog upai rakt bind mil pind kare. anter garbh urad liv lagi so prabh sare daat kare... te gun visr gae apradhi mein baora kia karao hare. Tu data dayal sabhai sir ahnis daat samaar kare." "ma ki rakt pita bid dhara. murat surat kar aapara. jot dat jetti sabh teri tu karta sabh thai he." "bind rakt mil pind saria. paun pani agni mil jiya. ape choj kare rank mahali hor maya moh pasara he. garbh kundal maih urd dhiani. ape jane antarjami. sas sas sach nam smale antar udar majhara he." "rakt kirm maih nahi sangharia. apna simran de pratipalia oh sagal ghata ka malka." It is evident from the Guru Granth Sahib, according to Shri Atinder Pal Singh that "apan aap aapeh upaio," which means God has created man from himself, and for man to attain the stature of God and to merge with him, he must retain the form of God i.e. the form in which he is created. Therefore, it is submitted that "jin eh jagat upaya tribhavan kar akaar," which specifies its meaning as "safal janam har jan ka upjiya jin kino saot (with son, with child) bidhata." That with creation of man God has made himself father of children i.e. mankind. The order of God is "nirhari kesav nirvaira. kot jana ja ke pujah paira. Gurmukh hirde ja ke har har soi bhagat ikati jio," which means that beautiful hair is Godly, and is to ensure that man is devoted only to God.

105. According to Shri Atinder Pal Singh, man is made out of an embryo which emerges from the zygote. According to him, the tradition of a man-woman relationship cannot be seen with naked eyes or even under a powerful microscope. The breathing power of a body, from origin to development, fully depicts a life and its dependable bodies bearing hair. All this is created by God in a manner so as to replicate his own image. As one is dead without life, and the human body is dead without breath, in the same way, according to Shri Atinder Pal Singh, our body is full of holes without hair. The first law of the "Sikh dharam", according to Shri Atinder Pal Singh, is that every Sikh should obey the tradition of "hukam rajai chalna nanak likhiya naal," which means, a Sikh obeys the rules specified by the God, and follows them. Everything else, according to him, is agnostic. It is, therefore, his submission

that a "Sikh" without hair cannot be imagined in the "gurmat terminology".

106. Referring to a verse from the Guru Granth Sahib, it is submitted "manmukh soe rahe se lute gurmukh sabat bhai hei", which means, that a man who always sleeps is looted whereas a "gurmukh" (man who always obeys and follows the order of God), is fully accomplished and total. It is, therefore, sought to be concluded that a true Sikh is one who wears his hair unshorn.

107. As a matter of drawing a conclusion from the submissions advanced by Shri Atinder Pal Singh, it would be natural to record, that hair kept unshorn is an inescapable tenet of the Sikh religion. And further that, those who do not follow the important tenets of the Sikh religion should neither claim, nor be allowed any benefit merely on account of being born in a Sikh family. Accordingly, for the present controversy, in the view of Shri Atinder Pal Singh, those candidates who do not maintain their hair unshorn, should not be entitled to admission against seats reserved for the Sikh minority community.

### Prof. Lal Singh

108. Originally Civil Writ Petition No.17771 of 2003 was tagged to be heard along with the instant writ petition, which was to be collectively disposed of by the present order. Civil writ petition No. 17771 of 2003 has been filed by the Sehijdhari Sikh Federation, through its National President Dr. Paramjit Singh Ranu. In the aforesaid writ petition, the petitioner has sought a writ in the nature of certiorari for quashing the notification dated 8.10.2003, whereby sections 49 and 92 of the Gurdwara Act of 1925, were sought to be amended by omitting the term "sehijdhari". The effect of the aforesaid omission was, that lakhs of Sikhs referred to as "sehijdhari Sikhs" were disfranchised. Their voting rights in the election to the SGPC and other related Boards and Committees were brought to an end.

109. An application for intervention in the instant writ petition was filed by Prof. Lal Singh, through CM No. 24174 of 2008, seeking to express the view point of the Sehijdhari Sikh Federation. This representative capacity was affirmed by Dr. Paramjit Singh Ranu, who remained present during the course of hearing of the

present controversy. After we had heard Prof. Lal Singh, Dr. Paramjit Singh Ranu also expressed the desire to make a presentation to us. Since we had already heard Prof. Lal Singh on behalf of the Sehijdhari Sikh Federation, we declined the aforesaid request of Dr. Paramjit Singh Ranu.

110. The primary contention of Prof. Lal Singh on behalf of the Sehijdhari Sikh Federation was, that the provisions of the Gurdwara Act of 1925 or the amendments thereof from time to time, ought not to be taken as a basis for determining the present controversy. In nutshell, the submission of Prof. Lal Singh was, that the Gurdwara Act of 1925 and the subsequent enactments, referred to hereinabove, were political enactments to serve the purpose of the SGPC. These enactments, according to Prof. Lal Singh, were not in consonance with the provisions of the Guru Granth Sahib, and as such, cannot be the basis of the determination of the present controversy.

111. Commencing his submissions, Prof. Lal Singh asserted, that the philosophy of the Guru Granth Sahib is based on humanity, universal love and peace, as also on, equal rights and status of each and every individual. In this behalf, reference was made, by Prof. Lal Singh, to Article 14 of the Constitution of India, which, according to him, is based on similar principles. Based on the aforesaid fundamental tenet of the Sikh religion, it is submitted that the definition of the term "Sikh" under the Gurdwara Act of 1925, is unconstitutional. The first submission advanced by Prof. Lal Singh in this behalf, is based on the definition of the term "Sikh" under section 2(9) of the Gurdwara Act of 1925. It is pointed out that the declaration incorporated under section 2(9) of the Gurdwara Act of 1925, envisages three fundamental characteristics of a Sikh:

- " i) A Sikh is a believer in the Guru Granth Sahib;
- ii) A Sikh believes in the ten "gurus"; and
- iii) A Sikh does not believe in any other religion or faith."

112. In so far as the second ingredient is concerned, it is the submission of Prof. Lal Singh, that the same is totally contrary to the Sikh tradition, because the lineage of the ten "gurus" is not the lineage of the Guru Granth Sahib. According to Prof. Lal Singh, the lineage of the known "Sikh gurus" is a regional lineage limited

to the boundaries of Punjab, commencing with Guru Nanak Dev and ending with the Guru Granth Sahib. It is pointed out, that the Guru Granth Sahib incorporates and recognizes a large number of "gurus" beyond the State of Punjab. In this behalf, reference has also been made to the "Aad Granth", wherein Guru Arjan Dev himself did not incorporate the lineage of the gurus' limited to the State of Punjab, but referred to them as "mohallas", first, second, third and fifth and not as "gurus" first, second, third and fifth. The aforesaid assertion at the hands of Guru Arjan Dev, according to Prof. Lal Singh, was endorsed by Guru Gobind Singh. With this declaration, every "braham gyani" (one who has the wisdom of the entire universe), and whose "bani" (sermons) is a part of the Guru Granth Sahib, has to be accepted as having been granted the status of a "Sikh Guru". Accordingly, it is the submission of Prof. Lal Singh, that it is wrong to assert, that under Sikh tenets, there are only ten "Gurus". Actually, there are 35 "Sikh Gurus", as all those whose "bani" has been extracted in the Guru Granth Sahib, have to be counted as "Sikh Gurus". Prof. Lal Singh, accordingly, desires us to conclude, that the declaration referred to in section 2(9) of the Gurdwara Act of 1925, that a Sikh is one who believes in ten "Gurus" is clearly contrary to the tenets of Sikh religion. Therefore, it is submitted that the Gurdwara Act of 1925 cannot be the basis of any determination at our hands.

113. Referring to the third fundamental characteristics in the declaration under section 2(9) of the Gurdwara Act of 1925, namely, that a Sikh is one who follows no other religion or faith, it is submitted by Prof. Lal Singh, that the same is also contrary to the tenets of the Sikh religion. According to Prof. Lal Singh, the Guru Granth Sahib incorporates the "bani" (sermons) of Muslims, Hindus, Brahmins, Khattris and Untouchables. Those other than Sikhs whose "bani" has been incorporated in the Guru Granth Sahib, according to Prof. Lal Singh, never renounced their religion, though they may have been leading their lives strictly in accordance with the ideology of the Guru Granth Sahib. Be that as it may, since none of them renounced their previous religion, and yet had the status of "Sikh gurus" under the Sikh religion, the definition of the term "Sikh" under section 2(9) of the Gurdwara Act of 1925, that a Sikh is one who does not believe in any other

religion, cannot be deemed to be in consonance with the Guru Granth Sahib.

114. It is also the contention of Prof. Lal Singh, that the SGPC politically maneuvered and manipulated the introduction of sub-sections (10), (10-A) and (11) of section 2 of the Gurdwara Act of 1925, defining the terms "amritdhari Sikh", "sehijdhari Sikh" and "patit" in the Gurdwara Act of 1925. It is the pointed contention of Prof. Lal Singh, that these terms are not traceable to the Guru Granth Sahib. As such, it is asserted by Prof. Lal Singh, that reference to the terms "amritdhari Sikh", "sehijdhari Sikh" and "patit" for ascertaining the definition of the word Sikh, must also be considered to be contrary to the tenets of the Sikh religion.

115. Insofar as, "amritdhari Sikh" is concerned, it is the contention of Prof. Lal Singh, that "khalsa" was created from amongst Sikhs of the "Guru" by the ceremony of "amritpan". According to Prof. Lal Singh, the concept of "khalsa" was first conceived of by Guru Ravi Dass. The concept of "khalsa", according to him, was never incorporated in the Guru Granth Sahib, nor has the ceremony of "amritpan" been referred to therein. It is, therefore, sought to be concluded by Prof. Lal Singh, that the concept of "amritdhari Sikh" is alien to the Sikh religion, and does not flow from it, nor has it any relevance to the Sikh faith. It is pointed out that an "amritdhari Sikh" is an outer face of a Sikh. According to Prof. Lal Singh, the creation of "amritdhari Sikh" is from amongst the Sikhs. Accordingly, it is submitted that no one can be an "amritdhari Sikh" unless he is first a Sikh. It is also the contention of Prof. Lal Singh, that to be a Sikh, it is not necessary to be an "amritdhari" i.e. to have taken "amrit". In this behalf, it is submitted that there were prominent Sikhs at the time of the Guru Gobind Singh, who had not taken "amrit", reference in this behalf is made to Bhai Nand Lal, Bhai Ghanaiya, Nirmale Sikhs and others. According to Prof. Lal Singh, only such Sikhs were required to take "amrit" ("khande-ka-amrit" or "khande-de-pahul") who were to be taken into the battlefield.

116. Our pointed attention was also invited to the term "sehijdhari" and "patit". It is pointed out that neither of the aforesaid terms can be derived from the Guru Granth Sahib. For the same reasons, as have been expressed by Prof. Lal Singh in respect of the term "amritdhari", it is submitted that the terms "sehijdhari" and "patit"

are alien to the Sikh religion. Collectively, on the basis of the aforesaid submissions, it is sought to be concluded that the definition of the term "Sikh" under the Gurdwara Act of 1925, cannot be a basis of rendering a conclusion on the controversy raised in the present writ petition.

117. According to Prof. Lal Singh, the definition of the term "Sikh" as per the Guru Granth Sahib, is clear and simple. In his view, a Sikh is one who accepts the Guru Granth Sahib as his "guru" and is leading a practical life in accordance with the directions contained in the Guru Granth Sahib. It is also pointed out that any traditions, rituals, rites or ceremonies beyond the Guru Granth Sahib, are forbidden. Accordingly, it is sought to be concluded, that under the Guru Granth Sahib, either a person is a Sikh or a non-Sikh. There is nothing like a "patit Sikh" or a "sehijdhari Sikh".

118. In his written submissions, Prof. Lal Singh has made a reference to Guru Baba Farid and Guru Kabir, and has pointed out that both of them did not abide by the tenet of unshorn hair, yet their "bani" has been incorporated in the Guru Granth Sahib. Reference has also been made to a magazine *Gurmat Parkash* published by the SGPC, on the occasion of 300th birth centenary of the "Shri Guru Granth Sahib Gurta Gaddi Divas" in which there are photographs of Guru Pipa, Guru Soordas, Guru Sain, Guru Bhikhan and others, depicting that they were clean-shaved. It is, therefore, submitted that none of them could be considered to be "patit" as all of them had the status of "Sikh Guru" as their "bani" stood incorporated in the Guru Granth Sahib.

119. In order to demonstrate that hair are not an essential characteristics of the Sikh religion, reference has been made to the "bani" of Guru Ravi Dass at page 659 of the Guru Granth Sahib, wherein it is recorded, "Banke bal pag sir deri. Ih tan hoigo bhasam ki dheri." Which when literally interpreted means, that one makes his hair beautiful and wears a stylish turban on his head, but in the end, the human body shall be reduced to a pile of ashes. Reference has also been made to the "bani" of Guru Kabir at page 1365 of the Guru Granth Sahib, wherein it is recorded, "Kabira preet ik seo kee-ay aan dubhada jaa-ey, bhavai laaribay kaysh kar bhavai gharar mudhaa-ey." Literally interpreted the aforestated extract means, that when one is in love with the Lord, duality and alienation depart. It is immaterial whether one has long hair or



a bald head. Referring to the "bani" (sermons) of Guru Nanak Dev at page 476 of the Guru Granth Sahib, Prof. Lal Singh brought to our notice the following stanza, "Ik jataa bikat bikrall khul ghar khovhee". Literally interpreted the aforesaid extract means, that some look hideous with their hair uncut, matted and disheveled. They bring dishonour to their family and ancestry. It is, therefore, sought to be concluded that hair cannot be considered to be an essential characteristics of the Sikh religion.

120. From the submissions made on behalf of the Sehajdhari Sikh Federation by Professor Lal Singh, it is clear that as per the perception of the Federation, the provisions of the Gurdwara Act of 1925, and even more so, those of the Gurdwara Act of 1971, are contrary to the mandate of the Guru Granth Sahib. It is also the submission of the Federation, that maintaining unshorn hair cannot be treated as one of the fundamental requirements of the Sikh religion, as the same does not flow from the Guru Granth Sahib. As such, according to the Federation, children from Sikh families who follow the Sikh religion, cannot be denied admission against seats reserved for the Sikh minority community, merely because they trim their hair, or pluck the hair of their eyebrows.

### Giani Harinder Pal Singh

121. Giani Harinder Pal Singh is a preacher of the Sikh religion. He is described as an expert on "Gurbani" and Sikhism. He addressed us for a short time during the course of hearing of this case. He had made his submissions in the Punjabi language. For our convenience, we requested him to present his view point in English. And for his convenience, we afforded him the assistance of Shri Pavit Singh Mattewal, Advocate, so as to enable him to make a presentation in English. Accordingly, Shri Pavit Singh Mattewal filed CM No. 23 of 2009, placing before us a synopsis on behalf of Giani Harinder Pal Singh. Giani Harinder Pal Singh, after his return from a foreign trip appeared before us in person and informed us, that he had come across some newspaper reports during his foreign trip which showed that the submissions made in the synopsis, on his behalf, were not in conformity with his views. He, accordingly, filed a civil miscellaneous application acknowledging the correctness of most of the submissions, but

simultaneously denying the veracity of some of them. We have extracted from the two applications (one filed by Shri Pavit Singh Mattewal and the other filed by Giani Harinder Pal Singh) the uncontroverted projection of Giani Harinder Pal Singh, which is being narrated hereunder.

122. The primary emphasis in the submissions made by Giani Harinder Pal Singh is on verses of Guru Amar Das, Guru Ram Das and Guru Arjun Dev, taken from the Guru Granth Sahib. The verses, as also, the literal meaning thereof projected by Giani Harinder Pal Singh, are being summarised hereinafter. Reference was, in the first instance, made to the following verse at page 567 of the Guru Granth Sahib:

*"Terei banke loin dant risala,  
sohne nak jin lamre wala."*

The literal translation of the aforesaid verse, according to Giani Harinder Singh, is to the following effect, "Your eyes are beautiful, and your teeth are delightful. Your nose is graceful, and your hair is so long.

123. Reference was then made by him, to the following verse at page 1419 of the Guru Granth Sahib:

*"Se darhian sachia ji gur charni lagann!!  
Andin sewan gur apna andin anad rahann!!  
Nanak ke muh sohne sache dar disann  
Mukh sache sach darhia sach boleh sach kamah!!  
Sacha sabda man vasia satguru mah samaha!!"*

Its literal meaning is sought to be explained by Giani Harinder Pal Singh, in the following words, "Those beards are true, which brush the feet of the true guru. Those who serve their guru night and day, live in bliss, night and day. O Nanak, their faces appear beautiful in the court of the true Lord. True are the faces and true are the beards, of those who speak the truth and live the truth. The true word of the shabad abides in their minds; they are absorbed in the true guru."

124. The most controversial of the verses of the Guru Granth Sahib, appearing at page 1365 on the issue of hair, was also brought to our notice by Giani Harinder Pal Singh. The aforesaid verse is being extracted hereunder:

*"Kabir preet ek sio kieu aan dubidha jaye.  
Bhawen lambe kes kar bhawen gharar mudaye."*

Its true translation as per the view of Giani Harinder Pal Singh is, "Kabeer, be in love with only that one, whose master is the Lord. The pundits, the religious scholars, kings and landlords - what good is love for them? Kabeer, when you are in love with the one Lord, duality and alienation depart. You may have long hair, or you may shave your head bald." According to Giani Harinder Pal Singh, it is improper to accept the literal meaning of the aforesaid verse for drawing any inferences for the present case. He pointed out that reference to long hair was made on account of the ancient practice where seekers of the Lord, would tie their hair with a branch of the banyan tree. The milk oozing out of the tree would fall on their scalp, resulting in long hair with extraordinary strength. Likewise, reference was made to the practice adopted by preachers of the Jain faith, whose hair were plucked out of their scalp. Both these practices in the words of Kabir, were irrelevant for purposes of spiritual attainment. As such, it is the submission of Giani Harinder Pal Singh, that it would be incorrect to conclude that in the verse referred to hereinabove, the intended projection of the verse was in terms of the literal translation thereof.

125. Reference was also made to the following verse at page 500 of the Guru Granth Sahib:

*"Kar kirpa apna daras deeje jas gavo nis ar bhor.*

*Kes sang dass pag jharo ehai manorath mor."*

Its true translation, according to Giani Harinder Pal Singh is, "O Nanak, my support is the creator Lord; I have renounced all other hopes. Show mercy to me, and grant me the blessed vision of your "darshan". I sing your praises night and day. With my hair, I wash the feet of your slave; this is my life's purpose." And a further reference has been made to a verse from page 810 of the Guru Granth Sahib, as under:

*"Tehal karo tere das ki pag jharo baal."*

The literal translation whereof is, "I perform service for your slave, O Lord, and wipe his feet with my hair." In all these verses, reference has been made to "kesh" (hair) in the Guru Granth Sahib. According to Giani Harinder Pal Singh, right from the time of Guru Nanak, the Sikh parameters on the issue of unshorn hair have been clear. In this behalf, reference has been made to 'puratan Janam Sakhi' of Guru Nanak, wherein Guru Nanak in his

discourse to Bhai Mardana at the beginning of the association, ordained him not to cut his hair, but ordained him to let them grow to their natural length, besides requiring him to abstain from the use of tobacco. Guru Nanak also repeatedly wrote in the praise of lovely long hair. According to Giani Harinder Pal Singh, in the discourse by Guru Ram Das to Baba Sri Chand, wherein Baba Sri Chand had asked the "Guru" why he had grown his beard to such a length. In answer thereof, he was told by Guru Ram Das, that it was to clean the feet of elderly people like you. It was pointed out on behalf of the intervener, that Guru Gobind Singh only formalized, what was already prevalent in Sikh scriptures and Sikh traditions, at the time of pronouncement of the "khalsa", as also, while issuing his "hukamnama" to the followers of the Sikh faith. 126. It is sought to be concluded by Giani Harinder Pal Singh, that wearing hair unshorn is an essential ingredient of the Sikh faith. He has expressed the view, that only such of the followers of the Sikh faith, who have adopted the traditions of the Sikh religion, and who follow the teachings of the "Sikh gurus", are entitled to claim benefits available to Sikhs. No benefits reserved for Sikhs should go to those who break the Sikh traditions, and the preachings of the "Sikh gurus". In this behalf, reference has been made to the following verse, wherein according to Giani Harinder Pal Singh, the third "Sikh guru" Guru Amar Das explained the matter through the following "shabad" (verse) appearing at page 920 of the Guru Granth Sahib:-

*"Aavoh sikh satgur ke pyario gaavoh sachhi banee"*

Meaning that, Sikhs of the True "Guru" should gather together and sing the words of his preachings. The fourth "Sikh guru" Guru Ram Das says: -

*"Poorae gur kaa hukam n ma(n)nai oh manamukh agiaan  
mut(h)aa bikh maaeiaa !!*

*Os a(n)dar koorr koorro kar bujhai anhodae jhagarrae  
daye os dai gal paaeiaa !!*

*Ohu gal farosee karae bahutaeree os daa boliaa kisai n  
bhaaeiaa !!*

*Ohu ghar ghar ha(n)dhaei jio ra(n)n duhaagan os naal  
muhu jorrae os bhee lachhan laaeiaa!!*

*Guramukh hoe so alipato varatai os daa paas chhadd gur  
pass baih jaaeiaa !!*

(page 303-04)

Meaning that one who does not obey the hukam, the command of the perfect guru – that self-willed manmukh is plundered by his ignorance and poisoned by Maya. Within him is falsehood, and he sees everyone else as false; the Lord has tied these useless conflicts around his neck. He babbles on and on, but the words he speaks please no one. He wanders from house to house like an abandoned woman; whoever associates with him is stained by the mark of evil as well. Those who become Gurmukh avoid him; they forsake his company and sit near the Guru.....". With the aforesaid verse, it is sought to be reiterated, that children born to Sikh parents, who do not follow Sikh norms, like wearing their hair unshorn, should not be entitled to any benefit flowing to a Sikh.

## Conclusion

127. Having dealt with the historical background of the Sikh religion, legislative enactments involving the Sikh religion, the "Sikh rehat-maryada", the "Sikh ardas" and views expressed by scholars of Sikhism, we are satisfied that they all lead to one unambiguous answer, namely, that maintaining hair unshorn is an essential component of the Sikh religion. In fact, maintaining hair unshorn can be treated to be a part of the religious consciousness of the Sikh faith. It may be a matter of surprise, that in our aforesaid conclusion, we have not referred to the Guru Granth Sahib as the basis of our determination. Having heard learned counsel for the rival parties, we arrived at the conclusion that Guru Granth Sahib is a treatise, limited to the teaching of, the moral and spiritual code of conduct to the Sikhs. The Guru Granth Sahib is for the guidance of Sikhs in their pursuit towards spiritual salvation. It does not deal with the code of conduct prescribed for Sikhs. The code of conduct is strictly contained in the "Sikh rehat-maryada", which should be the primary basis for drawing conclusions in respect of the instant issue. However, important inferences on the subject also emerged from the other aspects referred to hereinabove. Furthermore, reference to the terms "kesh/keshas" (hair) in the Guru Granth Sahib was found to be contextually different from the issue which we are venturing to determine. This aspect of the matter has also been discussed above while recording the views of Giani Harinder Pal Singh. Undoubtedly,

the Guru Granth Sahib does not make any reference to the terms "sehajdhari", "amritdhari" and "patit". The clear inference, therefore is, that the Guru Granth Sahib does not deal with the issue which is subject matter of our consideration. There may be some justification in the inferences drawn by Shri Gurtej Singh (one of the interveners) from various verses of the Guru Granth Sahib, yet it would not be incorrect to state, that the issue whether Sikhs are ordained to maintain their bodily hair unshorn, has not been expressly dealt with in the Guru Granth Sahib. We are, therefore, of the view that it would not be well founded to base our conclusions, in so far as the instant issue is concerned, on the Guru Granth Sahib. We have also intentionally not taken into consideration the views expressed by the various interveners. Their views appear to us to be based on their personal beliefs, convictions and understanding of the Sikh religion. In spite of their individual achievements in the field of Sikh religion, we were of the view that an attempt at our hands to determine the correctness or otherwise of their views, would be an exercise in futility, as we may have led ourselves into controversies which are strictly not relevant for the task in hand. In any case, there was sufficient unambiguous material available with us to render a conclusion on the issue (whether or not, keeping unshorn hair is an important aspect of the Sikh religion?). In our view, the Gurdwara Acts of 1925 and 1971 are legislative enactments, which have withstood the test of time, wherein "keshadhari" (a Sikh who maintains hair unshorn) has been incorporated as the fundamental precondition for being vested with the right to be included even in the electoral rolls. The "Sikh rehat-maryada" not only requires Sikhs to keep their hair unshorn, even an act of dishonouring hair, is taken as a tabooed practice. An act of dyeing one's hair is treated as an act of dishonouring hair. The fundamental of retaining hair unshorn is not only for adults, but is also for minors, as adults are required to maintain the hair of the children unshorn. The "Sikh ardas" also establishes the same tenet, from the fact that the keeping hair unshorn is mentioned twice in the "Sikh ardas". Scholars of the Sikh religion, be it Sikhs or non-Sikhs of Indian heritage, or foreigners believing in a religion other than Sikhism, each one of them has described the requirement to keep hair unshorn as

fundamental to the Sikh religion. It would, therefore, not be incorrect for us to conclude, that maintaining hair unshorn is a part of the religious consciousness of the Sikh faith. The same view was expressed in an academic exercise carried out by the Punjabi University, Patiala.

128. During the course of recording our views, we have not deliberated on the importance of wearing and carrying a "kirpan" because that was not the issue being examined in the present controversy. All the same, on the issue in hand reference can also be made to explanation I under Article 25 of the Constitution of India. Article 25 of the Constitution of India including the explanations thereunder, are being extracted hereunder:

"25. Freedom of conscience and free profession, practice and propagation of religion –

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law–

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I.–The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II.–In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly."

A perusal of explanation I under Article 25 of the Constitution of India reveals, that wearing and carrying a "kirpan" by Sikhs is deemed to be included in the profession of the Sikh religion. During the course of examining historical facts, legislation on the Sikh religion, the "Sikh rehat-maryada", the "Sikh ardas" and the

views of authors and scholars of the Sikh religion, we arrived at the conclusion that wearing and carrying of "kirpans" though an important and significant aspect of the Sikh religion, is nowhere close to the importance and significance of maintaining hair unshorn. If the Constitution of India itself recognizes wearing and carrying of "kirpans" as a part of the profession of the Sikh religion, we have no hesitation, whatsoever, to conclude that wearing hair unshorn must essentially be accepted as a fundamental requirement in the profession of the Sikh religion. For the present controversy, we hereby, accordingly, hold that retaining hair unshorn is one of the most important and fundamental tenets of the Sikh religion. In fact, it is undoubtedly a part of the religious consciousness of the Sikh faith.

129. Whether the provisions of the Gurdwara Act of 1925 are binding on the management and administration of the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, is one of the important questions, which has arisen for determination in the present case. According to the learned counsel for the petitioners, the SGPC has floated the aforesaid trust. And since, the functions, powers and obligations of the SGPC are regulated under the aforesaid Act, it is natural to conclude, that the activities of the SGPC must conform with the provisions of the Gurdwara Act of 1925. Therefore, it is sought to be submitted, that the provisions of the Gurdwara Act of 1925 must be deemed to be binding on the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. And as such, according to the counsel for the petitioners, the definition of the term "Sikh" under section 2(9) of the Gurdwara Act of 1925, would also be binding on the Medical College. In other words, the Medical College is obliged to admit students under the Sikh minority community quota, out of such candidates who favourably answer the definition of the term "Sikh", as has been defined in the Gurdwara Act of 1925. The process of reasoning, according to the petitioners, is sought to be illustrated thus: B is subservient to A, but C is subservient to B, therefore, C must be deemed to be subservient to A. Detailed submissions on behalf of the petitioners in respect of the instant issue have been noticed in paragraph 13 of the instant judgement. The same are not being recorded here again for reasons of brevity. The same may,



however, be read here in continuation of the submissions noticed above, to fully appreciate the instant contention advanced by the learned counsel for the petitioners.

130. In order to determine an effective answer to the question, whether or not, the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, is subservient to the SGPC, it will first have to be ascertained whether its management, administration and financial control vests with the SGPC. If the determination to the aforesaid query leads to the conclusion that it is so, according to the learned counsel for the petitioners, the provisions of the Gurdwara Act of 1925 will be binding on the Medical College. Whilst advancing the instant submission, learned counsel for the petitioners, has placed reliance on sections 109 to 112 of the Gurdwara Act of 1925. The aforesaid provisions are being extracted hereunder:

“109. Funds transferred to Board by Shiromani Gurdwara Parbandhak Committee.— If any sum is transferred to the Board by the Shiromani Gurdwara Parbandhak Committee, then:

- i) Any portion thereof held on behalf of a Notified Sikh Gurdwara shall be paid, as soon as may be, to the committee of such gurdwara, and any portion held on behalf of any other place of worship shall be paid to such person acting on behalf of the place of worship, as the State Government may approve.
- ii) Any portion not required to be paid under the provisions of clause (i) shall, in the first place, be used to discharge such debts of the Shiromani Gurdwara Parbandhak Committee as may be legally recoverable;
- iii) Any portion remaining after the debts of the Shiromani Gurdwara Parbandhak Committee have been discharged as required by clause (ii) shall be set apart for such religious, charitable or educational purposes as the Board in general meeting may determine, provided that any portion not so set apart within one year from the constitution of the first Board shall be handed over to the Committee described in sub-section (2) of section 85 and shall form part of the funds of that Committee.

110. Funds held in Trust by the Board for specified purposes — Every sum made over to the Board under the

provisions of this Act by a committee of a Notified Sikh Gurdwara or otherwise received by the Board of a specified religious charitable, industrial or educational purpose shall be held by the Board as a trust and shall be devoted to the purpose specified.

**111. General Trust Fund** — Every sum other than a sum specified in sections 107, 109, or 110 or sub-section (2) of section 114 or sub-section (8) of section 137 shall be placed to the credit of a fund to be called the General Trust Fund out of which the Board in general meeting may from time to time make allotments for the discharge of any obligation legally incurred in connection therewith or for such religious, charitable, industrial or educational purposes as the Board may consider proper or for grants in-aid for the maintenance or service of Notified Sikh Gurdwaras.

**112. Separate funds to be maintained for each Trust** — The Board shall establish and maintain a separate fund in respect of each Trust held in accordance with the provisions of clause (iii) of section 109 or of section 110, and may discharge out of each such fund any obligation legally incurred in connection therewith."

A proper and effective understanding of the provisions extracted hereinabove is not possible without reference to sections 85, 86 and 87 of the Gurdwara Act of 1925. The aforesaid provisions are, accordingly, also being extracted hereunder:

**"85. (1)** The Board shall be the Committee of Management for the Gurdwaras known as-

- i) The Sri Akal Takhat Sahib at Amritsar and Takhat Sri Keshgarh Sahib, Anandpur;
- ii) The Darbar Sahib, Baba Atal Sahib and all other Notified Sikh Gurdwaras other than Sri Akal Takhat Sahib situated within the Municipal boundaries of Amritsar.
- iii) Sri Darbar Sahib and all other Notified Sikh Gurdwaras within the limits of Municipal area of Tarn Taran;
- iv) All the Notified Sikh Gurdwaras at Anandpur and the Gurdwaras connected therewith other than the Takhat Sri Keshgarh Sahib;

- v) The Notified Sikh Gurdwaras at Muktsar;
- vi) Gurdwara Dukhniwaran Sahib Padshahi Naumi along with Gurdwara Moti Bagh (including Gurdwara Sudha Sar) Khel Sahib, Patiala;
- vii) Gurdwara Fatehgarh Sahib (Shahidi Asthan Baba Fateh Singh ji and Baba Jorawar Singh Ji) along with Gurdwara Jotisarup, Burj Mata Gujri and Shahid Ganj situated in Harnam Nagar;
- viii) Gurdwara Padshahi Naumi at Dhamtan along with Bunga Dhamtanian near Railway Station, Patiala;
- ix) Gurdwara Guru Teg Bahadur Sahib in Jind with Gurdwaras Kharak Bhura Padshahi Naumi and Khatkar Padshahi Naumi in Tehsil Nawana;
- x) Gurdwara Ber Sahib (Padshahi Pehli) at Sultanpur Lodhi along with Gurdwaras Hat Sahib, Kothri Sahib, Sehra Sahib, Sant Ghat and Guru Ka Bagh;
- xi) Gurdwara (Padshahi Naumi and Dasmi) Damdama Sahib at Talwandi Sabo along with Gurdwaras Takhat Sri Damdama Sahib, Jandsar and Bunga Kattuwalla at Sabo Ki Talwandi, Gurdwara Sri Damdama Sahib Bunga Mata Sahib Dewan Ji at Talwandi Sabo, Gurdwara Sahib Padshahi Dasmi Takhat Damdama Sahib, Bhai Bir Singh Dhir Singh, Mazhabi Singh Wala at Talwandi Sabo, Gurdwara Sahib Takhat Sri Damdama Sahib Malwai Bunga Padshahi Dasmi at Talwandi Sabo, Sri Damdama Sahib Malwai Bunga Padshahi Dasmi at Talwandi Sabo, Sri Damdama Sahib Bunga Likhansar Padshahi Dasmi, Sri Damdama Sahib Gurdwara Sri Holsar Padshahi Dasmi, at Talwandi Sabo Ki;
- xii) Gurdwara Nanakiana Sahib, Sangrur.

(2) The Board shall prepare a scheme for administration and management of the Gurdwaras described in sub-section (1), their property, endowments, funds and income. Thereafter, this scheme may be modified or amended from time to time by a resolution of the Board passed by a majority of two-thirds of the members present in the meeting.

**86.** Committees of gurdwaras other than those specified in section 85 — For every Notified Sikh Gurdwara other than

a gurdwara specified in section 85 a committee shall be constituted after it has been declared to be a Sikh Gurdwara under the provisions of this Act, or after the provisions of Part III have been applied to it under the provisions of section 38, provided that the State Government may by notification direct that there shall be one committee for any two or more such gurdwaras specified in the notification, and may in like manner cancel or modify such notification, provided further that the State Government shall not issue, cancel or modify any such notification after the constitution of the first Board, except upon recommendation being made to it in this behalf by the Board.

(2) Notwithstanding anything contained in subsection (1), the Gurdwaras at Narnaul and Mahendragarh shall be managed by the Board.

**87. Constitution of committees not specially provided for**

(1) Every Committee shall consist of five members out of which one at least shall be a person belonging to the scheduled castes and shall be constituted as follows: -

(a) The Board shall nominate the members, with their written consent of the committee of the Gurdwara or Gurdwaras, whose gross annual income does not exceed three thousands rupees who shall be residents of the district in which the Gurdwara or one of the Gurdwaras to be managed by the Committee is situated:

Provided that the Board may, if it so decides, instead of nominating the members manage the affairs of any such Gurdwara itself in accordance with the provisions of the Act.

(b) The Committee of Gurdwara or Gurdwaras, whose annual monetary income exceeds three thousand rupees, shall consist of four elected members and one member nominated by the Board who shall be resident of the district in which the Gurdwara or one of the Gurdwaras to be managed by the Committee is situated.

If in the election, the required number of members is not elected, the Board may nominate such number of persons as have not been, elected so as to complete the Committee for

such a Gurdwara or Gurdwaras; provided that the person or persons so nominated shall be the resident or residents of the district in which the said Gurdwara or Gurdwaras are situated.

(2) If the Board fails to nominate a member or members of the Committee in accordance with the provisions of clause (a) or (b) the manager and if there is no manager, then Granthi or Granthis of Gurdwara or Gurdwaras shall either by himself or themselves or along with the nominated or elected member or members, if any, as the case may be, perform the duties of the Committee till such time as the Board nominates the required number of members of the Committee."

A perusal of Clause (iii) of section 109 of the Gurdwara Act of 1925, extracted hereinabove, reveals that the Board shall set apart funds for religious, charitable or educational purposes "as the Board in its general meeting may determine," provided that, any portion of the said funds, not set apart within one year from the constitution of the first Board, shall be handed over to the Committee referred to in sub-section (2) of section 85 of the Gurdwara Act of 1925, and shall, form a part of the funds of that Committee. It is apparent from the provisions extracted hereinabove, that the funds referred to in clauses (i) and (ii) of section 109 of the Gurdwara Act of 1925, relate to funds pertaining to the management of "gurdwaras", and for the discharge of debts of the SGPC, and for no other purpose. On the issue of funds which can be utilized by the Board for specified religious, charitable, industrial or educational purposes, referred to in section 110 of the Gurdwara Act of 1925, it emerges from the instant provision itself, that it is mandatory that a decision in that behalf must be taken by the Board in its general meeting. It is not the case of the petitioners before this court, that any funds have been made available by the SGPC to the Board for purposes of management, administration or for other financial affairs of the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. In any case, the mandate of section 110 of the Gurdwara Act of 1925 reveals, that the amount referred to in section 110 of the Gurdwara Act of 1925, has to be held in trust by the Board for either of the purposes

referred to therein, including educational purposes. In the written statement filed by the respondent – Medical College, the categorical stance adopted in this behalf is, that the respondent – Medical College is not being run by the SGPC. It is also sought to be explained in the written statement, that the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, has its own members and is governed by its own trust deed. Any kind of subservience to the SGPC or the provisions of the Gurdwara Act of 1925, is vehemently denied. In the absence of any material on the record of this case, to suggest that any funds have been made available to the SGPC under section 110 of the Gurdwara Act of 1925, for the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, it will be difficult to establish the instant issue one way or another. Therefore, in our view, from the record made available to us, no nexus between the SGPC and the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, can be stated to have been established merely from the provisions of the Gurdwara Act of 1925, referred to hereinabove.

131. The only provision that may be applicable to the facts and circumstances of the present case is section 111 of the Gurdwara Act of 1925, wherein finances can be made available, so as to be retained by the SGPC, under the head “General Trust Fund”, out of which the Board may make any allotment for discharging its obligation for running a religious, charitable or educational institution. Section 112 of the Gurdwara Act of 1925, refers to sections 109 and 110. It is expressly delineated therein, that the Board of the SGPC is to maintain separate funds in respect of each trust. There is no material on the record of this case, that any such funds have been maintained by the Board of the SGPC, separately for the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. Therefore, no direct nexus of the SGPC or the Board is ascertainable with the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, even on the basis of section 111 of the Gurdwara Act of 1925.

132. Another question which still arises for consideration on the issue in hand is, whether or not, an indirect nexus between the SGPC and the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, can be deemed to be established from the fact that a sum of Rs.60 lakhs was assured as payable annually by the SGPC to the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, in the

trust deed. On our asking, learned counsel representing the respondent - Medical College produced before us the trust deed of the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. The aforesaid trust deed was executed on 15.12.1992 between the founder of the respondent - Medical College and Shri Manjeet Singh Calcutta, a trustee of the said society. The recital in the aforesaid trust deed reveals, that a charitable hospital in the name and style of the Sri Guru Ram Das Hospital, Research and Medical Institute, Amritsar, was being run with effect from 17.10.1977, under the control of the SGPC. In a meeting of the Executive Board of the SGPC held on 26.1.1992 at Anandpur Sahib, it was resolved to pass on to a charitable trust to be created under the supervision of Shri Gurcharan Singh Tohra, the then President of the SGPC, the control and management of the said hospital. Accordingly, on 15.12.1992, Shri Gurcharan Singh Tohra contributed a sum of Rs. 1001/- to the said charitable trust, and gave it the name of Sri Guru Ram Das Charitable Hospital Trust, Amritsar. Five more trustees, in addition to Shri Gurcharan Singh Tohra (the founder trustee) and Shri Manjeet Singh Calcutta (trustee, and member secretary of the trust) were named to run the trust in the manner delineated in the trust deed. Paragraph 4 of the trust deed reveals, that the term of the board of trustees would be six years. However it mandates that Shri Gurcharan Singh Tohra, i.e., the founder trustee, would be a permanent trustee for life. The trust deed nominated Shri Gurcharan Singh Tohra as the President of the trust. Thereafter, the President of the SGPC would be the ex-officio President of the trust. The trust deed also authorised the Executive Committee of the SGPC to appoint nine trustees for the next term for six years, and so on, for the future. The trust deed also allowed the founder trustee Shri Gurcharan Singh Tohra to nominate one trustee for each term during his life time. After his death, according to the provisions of the trust deed, all trustees would be nominated by the Executive Committee of the SGPC. Paragraph 21 of the trust deed reveals, that the SGPC had agreed to contribute a sum of Rs. 60 lacs annually to the trust after its registration. The aforesaid amount was required to be utilized for running and maintaining the hospital and its assets.

133. Learned counsel for the respondent - Medical College also

handed over to us, during the course of hearing, rules and regulations of the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. The same was executed by the Executive Committee of the SGPC. Based on the trust deed, as well as, the rules and regulations of the trust, it is the vehement contention of the learned counsel for the respondent - Medical College, that the SGPC does not control the administration and management of the respondent - Medical College. It is pointed out that the administration and management of the Medical College is being carried out in terms of the trust deed, read with the rules and regulations of the society. It is also pointed out that the mere fact, that the Executive Committee of the SGPC nominates all the trustees, as also, the fact that the SGPC makes a substantial annual financial contribution to the respondent - Medical College, cannot be taken as sufficient to demonstrate that the aforesaid trust is subservient to the SGPC, nor does it have the effect of rendering any limitation to the activities of the respondent - Medical College, on the basis of the provisions of the Gurdwara Act, 1925.

134. Can the annual payment of Rs. 60 lacs, by the SGPC to the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, be considered to be an expenditure incurred by the SGPC within the terms of the provisions of sections 109 to 112 of the Gurdwara Act of 1925 ? We have considered the instant aspect of the matter, on the basis of the contentions advanced by the learned counsel for the rival parties. Undoubtedly, annual funds for the management and administration of the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, are contributed by the SGPC. Whether or not, the hospital under reference is being run exclusively on the basis of the aforesaid funds, or substantially on the basis thereof, is not ascertainable from the pleadings of this case. In fact, it may well be, that the funds annually contributed by the SGPC, are only a minuscule part of its annual recurring expenses. All the same, it cannot be overlooked, that the SGPC makes an annual financial contribution to the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. It is also clear that the SGPC has a pervasive control in the management and administration of the affairs of the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, inasmuch as the President of the SGPC is the ex-officio President of the said trust,



and all the trustees are nominees of the Executive Committee of the SGPC. It can, therefore, not be a matter of debate that the SGPC is in effective and pervasive control of the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. The mere fact that the trust deed notices that the control and management of the hospital was being passed on to the trust is, to our mind, inconsequential. It is also apparent from the narration of the factual position noticed above, that the SGPC came into existence prior to the promulgation of the Gurdwara Act of 1925, yet it cannot be overlooked, that after the promulgation of the Gurdwara Act of 1925, the activities, functions, duties and responsibilities of the SGPC came to be fully regulated by the said Act, even the members of the SGPC are to be elected, selected or nominated according to the provisions of the Gurdwara Act of 1925. Since the trust deed constituting the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, was executed on 15.12.1992 i.e. when the functioning of the SGPC had been subjected to the mandate of the Gurdwara Act of 1925, it will be justified to conclude, that the sum of Rs.60 lakhs, which is being made available annually by the SGPC to the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, must be deemed to flow from the SGPC under section 111 of the Gurdwara Act of 1925. In fact, we have no alternative, but to record the aforesaid conclusion, as the financial activities of the SGPC are fully regulated by the provisions of the Gurdwara Act of 1925. Added to this is the pervasive control of the SGPC over the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. We, therefore, find ourselves persuaded to uphold the instant submission of the learned counsel for the petitioners to the aforesaid extent.

135. Based on the conclusion, that the SGPC has effective and pervasive control over the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, we shall proceed to determine, whether or not, the provisions of the Gurdwara Act of 1925 are binding for running the affairs of the Sri Guru Ram Das Charitable Hospital Trust, Amritsar. The statement of objects and reasons of the Gurdwara Act of 1925, reveals that the Gurdwara Act of 1922, failed to satisfy the aspirations of Sikhs for various reasons. One of the significant failures of the Gurdwara Act of 1922 was that it did not establish any permanent committee(s) for the management of "Sikh

gurdwaras" and shrines. Additionally, it did not provide for speedy confirmation of changes already introduced by the reforming party, in the management of the places of worship, over which Sikhs had obtained effective control. The Gurdwara Act of 1925, was therefore, aimed at providing a scheme of Sikh management, secured by statutory and legal sanction for places of Sikh worship. In other words, the Gurdwara Act of 1925, entrusted the administration and management of "Sikh gurdwaras" in the hands of Sikhs. The scheme of management provided in the Gurdwara Act of 1925, contemplates the constitution of a Central (Sikh) Board of Control, consisting principally all elected members, and the formation of committees of management whose functions have been explicitly described. With the instant introduction, we shall proceed to deal with the submission advanced by the learned counsel for the petitioners.

136. The provisions of the Gurdwara Act of 1925, in our view, were aimed solely at regulating the management and administration of "Sikh gurdwaras". The boards and committees constituted thereunder, were also for the same objective, namely, for the management and administration of "Sikh gurdwaras". Although, as noticed hereinabove, reference has been made in certain provisions of the Gurdwara Act of 1925, whereby funds can be allocated for "religious, charitable or educational purposes" to bodies and organisations like the Sri Guru Ram Das Charitable Hospital Trust, Amritsar, yet the provisions of the Gurdwara Act of 1925 do not lay down any parameters or regulations in connection with the activities or affairs of such bodies or organisations. Activities which are "religious" in nature are quite different from those which are "educational". The Gurdwara Act of 1925 was enacted purely for "religious" activities i.e., principally for regulating the administration and management of "Sikh gurdwaras." The provisions of the Gurdwara Act of 1925 cannot, in our view, unnecessarily be extended to "educational" activities. The definition of the term "Sikh" contained in section 2 of the Gurdwara Act of 1925, must be deemed to have been drawn with the clear objective of interpreting the various provisions of the Gurdwara Act of 1925 and for no other purpose. Therefore, the term "Sikh" as defined under the Gurdwara Act of 1925, must be

limited to the issue of management and administration of the "Sikh gurdwaras" only. We, are, therefore, of the prima-facie view, that the provisions of the Gurdwara Act of 1925 cannot be extended to determine the controversy being adjudicated upon.

137. Despite the conclusion recorded by us hereinabove, we would still like to examine the veracity of the submission advanced by the learned counsel for the petitioners, that for purposes of admission to the respondent – Medical College, the management of the respondent – Medical College could not incorporate any further condition for determining, whether or not the petitioners are Sikhs, besides the ingredients contained in the definition of the term "Sikh" in section 2(9) of the Gurdwara Act of 1925. Detailed submissions on the instant issue, as have been advanced on behalf of the petitioners, have been noticed in paragraph 14 of the instant judgement. The same be read here as well, so as to fully appreciate the issue canvassed on behalf of the petitioners. As noticed earlier, the instant submission made on behalf of the petitioners, is with the rider that sub-sections (10), (10-A) and (11) of section 2 of the said Act, should not be read along with section 2(9), to determine the true meaning of the term "Sikh" under the provisions of the Gurdwara Act of 1925.

138. We shall now examine the aforesaid submission advanced by the learned counsel for the petitioners, so as to determine whether the petitioners satisfy the requirements of section 2(9) of the Gurdwara Act of 1925, wherein a Sikh is one, who professes the Sikh faith, and in case of any doubt whether or not such person professes the Sikh religion, he/she shall be deemed to be a Sikh, if he files an affidavit declaring that he is a Sikh; that he believes in the ten "Sikh gurus", and in the Guru Granth Sahib; and he does not believe in any other faith or religion. The submission advanced by the learned counsel for the petitioners, is simple and straight forward. It is the contention of the learned counsel for the petitioners, that all the petitioners are born in Sikh families. Their parents, as well as, their grandparents were followers of the Sikh faith. They have filed individual affidavits affirming, that they are Sikhs, that they believe in the ten "Sikh gurus", as also, in the Guru Granth Sahib, and that they do not have any allegiance to any other religion or faith. As such, it is the contention of the learned

counsel for the petitioners, that the petitioners should be treated as "Sikhs" under the provisions of the Gurdwara Act of 1925. It is also the contention of the learned counsel for the petitioners, that it is not open to the SGPC or the respondent – Medical College to define the term "Sikh" in any manner other than the manner in which the aforesaid term has been defined under section 2(9) of the Gurdwara Act of 1925.

139. The term "Sikh" has been defined in section 2(9) of the Gurdwara Act of 1925. The petitioners desire us to limit our examination to section 2(9) aforesaid so as to arrive at the conclusion, one way or the other, whether the petitioners should be treated as Sikhs for purposes of the present controversy. On the basis of section 2(9) aforesaid, it is contended, that the petitioners are Sikhs, and that, no contrary view is possible. Even if the instant submission made by the learned counsel for the petitioners, namely, that a person who fulfils the ingredients contained in section 2(9) of the Gurdwara Act of 1925, should be deemed to be Sikh, for the present controversy as well, for arguments sake, is accepted, we are of the view that the inference drawn on behalf of the petitioners would not lead to the conclusion, that the petitioners are Sikhs. Section 2(9) of the Gurdwara Act of 1925 mandates, that if a question arises whether a person is or is not a Sikh, he will be deemed to be a Sikh, if he files an affidavit in the format stipulated in the aforesaid provision itself. The prescribed format requires the concerned person to affirm that he is a Sikh ("I solemnly affirm that I am a Sikh..."). Would a person who falsely files such an affidavit, have the right to be treated as a Sikh ? Undoubtedly, only a true affirmation can lead to such an inference. To be a Sikh, one will have to follow the prescribed tenets of the Sikh religion. Having dealt with the historical background of the Sikh religion, legislative enactments involving the Sikh religion, the tenets of the Sikh religion which have been prescribed in the "Sikh rehat-maryada" (the Sikh code of conduct and conventions), the "Sikh ardas" and the views expressed by scholars of Sikhism, we have already recorded our conclusion above, that retaining hair unshorn is an important and essential tenet of the Sikh religion. We must, however, notice here another aspect of the matter projected before us during the course of hearing. Efforts were made to persuade us

to arrive at the conclusion, that a true Sikh must have on his person at all times the five prescribed "kakkars" (articles of faith) or Ks. The five "kakkars" include "kesh/keshas" (unshorn hair), "kirpan" (sword), "kachhehra" (knicker bocker), "kara" (steel ring) and "kangha" (comb). Can a person who does not even follow the most basic and elementary requirement of having on his person at all times the five "kakkars", be accepted as a Sikh ? The "Sikh rehat-maryada" considers an act of dishonouring hair as the gravest of the tabooed practices, as it is mentioned as the first of such tabooed practices. Can a person who dishonours bodily hair, by trimming them or by plucking them, be accepted as a Sikh ? Through the "Sikh ardas", a Sikh every morning and evening, and at all important occasions, addresses a prayer to God, seeking besides others, the blessing of retaining bodily hair unshorn to his last breath. Can a person who does not maintain his hair unshorn be accepted to be truthfully a Sikh ? In our considered view, only a truthful affirmation in the format depicted under section 2(9) of the Gurdwara Act of 1925, can alone confer the claim of being a Sikh. And that, if the affirmation is untrue, no such inference can be drawn. Needless to mention that an affidavit is a written statement on oath, and as such, an affidavit is acceptable only if it is true. It is not within the scope of the present consideration to determine, who is, or is not, a Sikh. We have, therefore, intentionally posed the aforesaid questions. These questions were repeatedly posed in the mail received by us, and also during the course of hearing. We wish to expressly record that none of these issues arise for our consideration. Our present determination should, therefore, not be treated as an answer to the questions posed.

140. The sole consideration at our hands, in so far as the present case is concerned is, whether or not, keeping hair unshorn is an important fundamental tenet of the Sikh religion. We have repeatedly concluded hereinabove, and shall also be recording the same conclusion hereinafter, while dealing with the other submissions advanced on behalf of the petitioners, that retaining bodily hair unshorn, is one of the most essential tenets of the Sikh religion. And as such, if a Sikh organisation or body, decides not to extend any benefit which is otherwise available to a Sikh, to a person who does not maintain his hair unshorn, its determination

would be perfectly legitimate. In view of the above, we are of the considered view that an affidavit sworn at the hands of an individual, under section 2(9) of the Gurdwara Act of 1925, who does not keep his hair unshorn, may legitimately be considered to have filed a false affidavit. Thus viewed, on the basis of the undisputed factual position, that all the petitioners indulge in trimming their hair or plucking hair of their eyebrows, they can legitimately be denied of a benefit otherwise available to Sikhs. The instant conclusion of ours is based on an exclusive examination of the claim of the petitioners under section 2(9) of the Gurdwara Act of 1925.

141. We have dealt hereinabove with section 2(9) of the Gurdwara Act of 1925. In our view, however, for a wholesome definition of the term "Sikh" for the purposes of the Gurdwara Act of 1925, sub-sections (9), (10), (10-A) and (11) of section 2 of the Gurdwara Act of 1925, must be read collectively. This aspect of the matter has been examined extensively while dealing with the legislative enactments involving the Sikh religion. The submissions made by the rival parties, as also, the affidavits filed on behalf of the SGPC, were also taken into consideration. The solitary additional submission, which has not been taken into consideration, was the allegation made at the behest of the petitioners, that the addition of sub-sections (9), (10), (10-A) and 11 of section 2 of the Gurdwara Act of 1925, was politically motivated, and was based on the policy of divide and rule adopted by the British. Detailed submissions made on behalf of the petitioners have also been recorded in paragraph 12 hereinabove. While dealing with the aforesaid contention, all that needs to be stated is, that the bold submission made at the hands of the petitioners is not based on any authentication, whatsoever. In the absence of any supportive material, it would not be proper for us to accept the bold statement referred to above, or record any finding on the submission made by the learned counsel for the petitioners. For reasons of concision, we do not wish to record the same reasons herein once again, except to reiterate, that all the provisions of a legislative enactment have to be examined harmoniously to give legislative effect to each of the provisions. It is, therefore, not possible for us to accept the contention of the

learned counsel for the petitioners, that section 2(9) of the Gurdwara Act of 1925, should be the sole basis for interpreting the true connotation of the term "Sikh".

142. Another contention advanced by the learned counsel for the petitioners, was based on the notification dated 3.4.2001 (relevant extract whereof has been reproduced in paragraph 15 above). Relying on the aforesaid notification, it is the contention of the petitioners, that the notification itself should be considered as the magna-carta for determining the eligibility of the candidates under the Sikh minority community quota, without any additions thereto. It is the submission of the learned counsel for the petitioners, that if the notification issuing authority desired to restrict admissions to only such candidates, who wore their hair unshorn (who did not trim their hair or pluck hair of their eyebrows), the same would have been expressly so depicted in the notification. It is, therefore, the submission of the learned counsel for the petitioners, that admissions should be based on the perception of the term "Sikh" as it is commonly understood. In this behalf, it is submitted that presently Sikhs can be classified into three categories, firstly, Sikhs who wear their hair unshorn, secondly, Sikhs who trim their beard or pluck hair of their eyebrows, but otherwise followed the Sikh religion, and thirdly, Sikhs who are clean shaved or pluck hair of their eyebrows, but otherwise followed the Sikh religion. In the absence of any distinction under the notification dated 3.4.2001, it was not permissible for the Medical College to restrict the term "Sikh" to only such candidates, who did not trim their hair, or who did not pluck hair of their eyebrows. In fact, according to the learned counsel for the petitioners, Sikhs falling in all the three categories, referred to hereinabove, must be treated as eligible for admission under the Sikh minority community quota. Reference to the instant submission has also been made in paragraph 14 of the instant judgement.

143. Having considered the submission advanced by the learned counsel for the petitioners, we are of the view that the contention noticed in the foregoing paragraph, deserves to be rejected on two counts. Firstly, the prospectus issued by the respondents expressly highlighted the fact, that only such candidate would be considered eligible, who "...practices the Sikh faith and maintains Sikh

appearance i.e. he/she does not cut or trim their hair...". Stated in other words, the prospectus clearly defined the essential prerequisites for admission under the Sikh minority community quota. Since the aforesaid precondition for eligibility was depicted in the prospectus itself, and since all the petitioners applied for admission under the Sikh minority community quota, without raising any contest or protest against the aforesaid precondition, they cannot now be allowed to contest the validity of the same when the entire process of selection is over, after their claim has been rejected on the ground, that they do not fulfil the aforesaid precondition. This contention was advanced during the course of hearing, by Shri Chetan Mittal, Additional Advocate General, Punjab, who inter-alia relied on the judgement rendered by the Supreme Court in *Madan Lal and others Vs. State of J & K and others*, 1995(3) SCC 486, wherein the Apex Court held as under:

"Before dealing with this contention, we must keep in view the salient fact that the petitioners as well as the contesting successful candidates being concerned respondents herein, were all found eligible in the light of marks obtained in the written test, to be eligible to be called for oral interview. Upto this stage there is no dispute between the parties. The petitioners also appeared at the oral interview conducted by the concerned Members of the Commission who interviewed the petitioners as well as the concerned contesting respondents. Thus the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, that they have filed this petition. It is now well settled that if a candidate takes a calculated chance and appears at the interview then, only because the result of the interview is not palatable to him he cannot turn round and subsequently contend that the process of interview was unfair or Selection Committee was not properly constituted. In the case of *Om Prakash Shukla v. Akhilesh Kumar Shukla and Ors.*, AIR 1986 SC 1043, it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination without protest



and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner.”

Reliance was also placed on the judgement rendered by a Full Bench of the Madras High Court in *Dr. R. Murali Vs. Dr. R. Kamalakkannan and others*, 2000(2) SCT 371, wherein the question posed in paragraph 36, was to the following effect:-

“36. Learned counsel Mr. C. Selvaraj submitted that fixation of quota is in the nature of concession and writ petitioners have with open eyes applied for admission on the basis of prospectus and also have written examination are incompetent to challenge that policy, once they were not selected. Counsel submitted that principle of estoppel bars writ petitioners from challenging the same.”

After referring to various judgements of the Apex Court, including *Kumari Chitra Ghosh Vs. Union of India*, AIR 1970 SC 35, *State of U.P. Vs. Pradip Tandon*, AIR 1975 SC 563, *Om Parkash Shukla Vs. Akhilesh Kumar Shukla*, 1986 SCC (Supp) 285, *Dinesh Kumar Vs. Moti Lal Nehru Medical College, Allahabad*, AIR 1986 SC 1877, *Mohan Kumar Singhania Vs. Union of India*, AIR 1992 SC 1 Scale 579, *Dr. Preeti Srivastava Vs. State of Madhya*, 1994(4) SCT 133, *Ritesh R. Sah Vs. Y.L. Yamul*, AIR 1996 SC 1378, *Union of India and another Vs. Chandrasekaran*, 1998(3) SCC 694, the Full Bench in paragraph 55 answered the question by holding that the “writ petitioners are not entitled to challenge the selection process after having participated in the written examination on the principle of estoppel.” Reliance was also placed on a judgement rendered by a Division Bench of this Court in *Yoginder Singh Yadav Vs. State of Haryana*, 2002 (2) SCT 281, wherein it was, *inter-alia*, held as under:-

“In the circumstances, the petitioners appear to have raised grievance to assail the result of the entrance test only when they did not find the result favourable to them. It is well settled that a candidate who has submitted to the selection process and has participated and was considered cannot challenge the same if subsequently the result of the selection is not favourable to him. It has been so held in the decision of the Supreme Court in *Madan Lal and others Vs. State of*

J & K and others, 1995 SC 1088 and Mohan Lal Aggarwal and others Vs. Bhubaneswari Prasad Mishra and others, JT 2001 (9) SC 21.”

We are in agreement with the view expressed by Shri Chetan Mittal, Advocate. We are satisfied that it is not open to the petitioners to raise the instant issue at this stage, as they acquiesced to the precondition for eligibility under the Sikh minority community quota. It does not lie now in their mouth to raise a challenge thereto, having been found unsuccessful.

144. Besides the aforesaid technical basis for not accepting the aforesaid contention of the learned counsel for the petitioners, we are satisfied, that the instant plea is even otherwise not acceptable even on merit. In the deliberations conducted by us, we have arrived at the conclusion, that retaining hair unshorn is a fundamental tenet of the Sikh religion, and as such, the prescription of the aforesaid requirement as a precondition for eligibility under the Sikh minority community quota, is fully justified. The instant conclusion has repeatedly been drawn, while dealing with the other issues canvassed on behalf of the petitioners, and need not be repeated here all over again. Therefore, even in terms of the notification, we are satisfied that it was open to the authorities to restrict admission under the Sikh minority community quota, only to such candidates, who maintained “Sikhi swarup” i.e., for those who kept their hair unshorn.

145. The next issue arising for consideration, is based on the submission of the learned counsel for the petitioners, that the requirement of not trimming hair, as also, not plucking hair from eyebrows, cannot be permitted to adversely affect the vital rights of the petitioners, as all the petitioners are minors. According to the learned counsel for the petitioners, since the petitioners are minors, they cannot be held to be blameworthy for their actions. Submissions on the instant issue, advanced on behalf of the petitioners have also been noticed at the beginning of paragraph 16 of the instant judgement. Learned counsel for the petitioners posed himself a number of questions to emphasise the triviality of the issue. What have the petitioners done ? What crime have the petitioners committed ? Why is the Medical College hell bent on destroying the petitioners career ? Is it legitimate to deny the expectations of the petitioners merely because they have been

violating minor/trivial norms connected with the profession of the Sikh religion ? These and similar other allied questions have been posed to provoke our conscience, for a determination favourable to the petitioners. It is the vehement contention of the learned counsel for the petitioners that the parents, as well as, the grandparents of the petitioners are Sikhs. The petitioners are undisputedly born in families pursuing the Sikh religion for generations. All the petitioners believe in the Guru Granth Sahib, as also, the ten "Sikh gurus". None of them is a follower of any religion/faith other than the Sikh religion. As such, according to the learned counsel for the petitioners, the petitioners cannot be denied any benefit available to a Sikh. Learned counsel, in order to support his contention, has placed reliance on the Juvenile Justice (Care and Protection of Children) Act, 2000, so as to contend that the liability of a minor who commits even a criminal offence, irrespective of the heinous nature thereof, is entitled to leniency under the Indian system of law. Likewise, it is submitted that the petitioners should be shown leniency for their lapse in trimming their hair or plucking hair from their eyebrows (as the case may be) and be allowed admission under the Sikh minority community quota, on account of their superior claim based on their higher position in the merit list. According to the learned counsel, the petitioners are ready and willing to make an unqualified commitment of good conduct in future, so as to regulate their lives according to the "Sikh rehat-maryada".

146. Although, the instant submission advanced by the learned counsel for the petitioners seems to be attractive on first blush, it is not possible to accede to the aforesaid proposition canvassed on behalf of the learned counsel for the petitioners. In our view, it is an absolutely out of context and a misnomer to canvass, that minors are in any manner exonerated or treated with leniency, in respect of their criminal liability in this country. The legislation in respect of minors committing questionable criminal acts under the Juvenile Justice (Care and Protection of Children) Act, 2000, are not exonerated or treated with leniency for their acts. Under the aforesaid legislative enactment, certain provisions have been made for juveniles (i.e. a boy or a girl who has not completed 18 years of age). A juvenile proved to have acted in conflict with law, is convicted and appropriately punished. Penalties including

imprisonment, have been prescribed, depending on the gravity of the act. The penalty to be suffered by a juvenile is not the one prescribed for an adult. The penalty for a juvenile is toned down on account of his age. A juvenile's minority status is not a basis for escaping the consequential penal action prescribed. In our considered view, the illustrative reference made by the learned counsel for the petitioners, is inapplicable to the present controversy. We shall now deal with the submission from another prospective. Undoubtedly, the petitioners have not committed any crime, or any act which can be treated to be in conflict with law. Their only lapse is that they have not maintained "Sikhi swarup". In other words, boys amongst the petitioners have indulged in trimming their hair, and girls amongst the petitioners have been plucking hair from their eyebrows. These aberrations, according to the petitioners, cannot be included in the same bracket as an act in conflict with law. The petitioners are out of families, which have for generations followed the Sikh religion, and as such, are entitled to be treated as Sikhs. We are of the view that the aberrations at the hands of the petitioners cannot be ignored. The acceptance of the plea advanced by the learned counsel for the petitioners, can lead to consequences which could frustrate the cause sought to be pursued. A minority community can lay down standards of acceptance, so as to persuade followers of the said community (religious or linguistic) to adhere to norms treated as fundamental/essential therefor. The instant controversy is of a like nature wherein a religious minority community desires to limit the benefit of reservation, for such of the members of its community only, who adhere to norms treated as fundamental and integral by it. As already concluded above, retaining hair unshorn is an essential component of the Sikh religion. Maintaining hair unshorn is a part of the religious consciousness of the Sikh faith. If the said religious community wishes to enforce the aforesaid norm as a precondition for admission, there is nothing wrong about it. We, therefore, find no merit in the contention of the learned counsel for the petitioners, in so far as the instant submission is concerned.

147. The submission examined above, can be viewed from another angle also. The action attributed to the petitioners, is certainly not in conflict with law. But then the question to be determined is, whether their actions are in conflict with the tenets

of the religion, on the basis whereof they are claiming their right. For an issue of religion, an action cannot be bestowed with legitimacy, merely because the action is forward-looking and non-fundamentalist. Religion is a package of beliefs or doctrines which all those who adopt the particular religion, are expected to follow. The issue is not of logic, but of faith. The triviality of the aberration, pleaded on behalf of the petitioners would depend on the importance of the tenet violated. If the tenet concerned is of fundamental importance, it is legitimate for the followers of the faith, to treat the same as unpardonable. The legitimate expectation of the followers of a religion, has to be in consonance with the prescribed norms of the code of conduct, which should be strictly adhered to. In view of the respective submissions advanced on behalf of the rival parties, it is apparent that the legitimate expectations of the two sides are directly in conflict. But then, the basis of the claim for admission by the petitioners under the Sikh minority community quota seats, is on the foundation of their religious faith. The legitimate expectations of the religious faith must, therefore, have primacy. Since we have already concluded hereinabove, that maintaining hair unshorn is a fundamentally important tenet of the Sikh religion. Maintaining hair unshorn is a part of the religious consciousness of the Sikh faith. It is clear, that the legitimate expectations of those who follow the Sikh faith would be, that others in the fold, adhere to the said fundamental tenet. As already noticed hereinabove, the historical background of the Sikh religion, legislative enactments involving the Sikh religion, the "Sikh rehat-maryada", the "Sikh ardas" and the views expressed by scholars of Sikhism, it is a mandate to all Sikhs that they should maintain their hair unshorn. Not only that, under the "Sikh rehat-maryada" a Sikh is not permitted to dishonour hair, or even to harbour any antipathy to hair of the head with which a child is born. Dyeing one's hair is considered as an act of dishonouring hair. Transgression of these norms, is treated as "tabooed practice", which is condonable only after suffering a chastisement prescribed. In the aforesaid view of the matter, the precondition under reference prescribed for admission to seats reserved for the Sikh minority community quota can neither be considered trivial, nor the insistence thereof as a precondition for eligibility, as unreasonable.

148. Another contextually similar submission, as the one dealt with by us hereinabove, advanced on behalf of the petitioners was, that this Court should strike down the action of the Medical College in allowing admissions under the Sikh minority community quota, only to such candidates who maintain "Sikhi swarup" i.e. candidates who retain their hair unshorn i.e., candidates who do not trim their hair or pluck hair of their eyebrows. Learned counsel for the petitioners contended, that the purpose of reservation for a religious minority community is to take the specific minority community progressively forward, so that persons following the religious faith find a better place for themselves in society. Norms which are derogatory to the interest of the minority community, cannot be permitted to be implemented, and therefore, according to the learned counsel for the petitioners, this Court should direct the Medical College to overlook the norms of the nature referred to hereinabove, while regulating admissions in favour of those who are more meritorious, rather than in favour of those who are less meritorious. Firstly, it is the contention of the learned counsel for the petitioners, that more meritorious candidates deserve a preference over less meritorious candidates, and as such, the petitioners who follow the Sikh religion just like other selected candidates, must be given preference over them on account of their higher merit. Otherwise, the action of the Medical College will not be considered to be progressive. Denial of the aforesaid would be considered to be retrograde or regressive even for those following the Sikh religion. And as such, it will have the effect of taking the community backward rather than forward. Secondly, it is the submission of the learned counsel for the petitioners that the delinquency, if any, committed by the petitioners is trivial. In fact, majority of the children belonging to the Sikh minority community are known to be indulging in actions similar to those attributed to the petitioners, on the basis whereof the petitioners are being denied admission. It is the submission of the learned counsel for the petitioners, that the tenets of a religion should be construed while keeping in mind the actions of the majority, rather than a minuscule minority of the said community. Submissions on the instant issue, advanced on behalf of the petitioners, have also been noticed in the latter part of paragraph 16 of the instant judgement.

149. In spite of impressive submission advanced at the hands of the petitioners, it is not possible for us to accept the same. Whilst dealing with the issue of religion, for determining whether or not, it is permissible for this Court to enter into the arena of religion, as also, to determine whether maintaining hair unshorn is a fundamental aspect of the Sikh religion, we deliberated on the issue now being canvassed at the hands of the petitioners, on the basis of the legal position declared by the Supreme Court. In the process of analysis, we were persuaded to conclude that a Court, in case of a conflict, even on an aspect relating to religion, can enter into the religious thicket to determine its do's and don'ts (of the religion), by relying upon the views expressed by the spokespersons of the said religion. It is not for a Court to make a choice of something which it considers as forward-looking or non-fundamentalist. It is not for the Court to determine whether the issue being examined would lead to the inference, that the aspect is prudent or progressive or regressive. Religion must be perceived as it is, and not as another would like it to be. The followers of a faith do not allow their beliefs to be questioned. Once a Court arrives at the conclusion that a particular aspect of a religion, is fundamental and integral, as per the followers of the faith, it must be given effect to, irrespective of the views expressed on the said issue, based either on science or logic. It is not for the Court to determine whether it is forward looking or retrograde. Looking for an approach which would make the religion more acceptable to the present social thought of a forward looking section, shall certainly not be right. While dealing with the submission advanced on behalf of the petitioners, as has been noticed in the foregoing paragraph, we are of the view that the instant submission advanced on behalf of the petitioners is unacceptable for the same reasons as have been recorded by us while answering the immediately preceding contention advanced on behalf of the petitioners. Since we have arrived at the conclusion that retaining hair unshorn is a fundamental tenet of the Sikh religion, we are liable to hold, that the prescription of the precondition of maintaining "Sikhi swarup" is a permissible precondition for admitting students under the Sikh minority community quota.

150. Having dealt with the submissions deliberated upon hereinabove, we will now deal with the last of the submissions advanced on behalf of the petitioners. In fact, the instant submission was the first to be canvassed on behalf of the petitioners. We have chosen to deal with it last of all for the reasons which shall presently emerge. Relying upon the judgement rendered by the Supreme Court in *Islamic Academy of Education Vs. State of Karnataka*, JT 2003(7) SC 1, learned counsel for the petitioners vehemently contended, that minority educational institutions while granting concessional admissions to the minority community, could not do so arbitrarily. Even under the minority community quota, admissions have to be regulated on the basis of merit. The instant issue canvassed on behalf of the learned counsel for the petitioners, has been noticed in paragraph 7 above. The relevant part of the judgement in *Islamic Academy of Education's* case (*supra*) has also been extracted in paragraph 7. The submission advanced on behalf of the petitioners, as has been noticed in paragraph 7, may be read here as well.

151. We have considered the claim of the petitioners for admission, to the seats reserved for the Sikh minority community on the basis of their claim of superiority, on account of their higher position in the merit list. The objection to the claim of the petitioners for admission, in so far as the respondents are concerned, is based on the fact, that the petitioners were considered ineligible under the Sikh minority community quota, and as such, their claim could not be considered for admission by way of reservation. In the deliberations recorded in furtherance of the various submissions advanced by the learned counsel for the petitioners, we have already concluded hereinabove, that the Medical College was fully justified in not considering the candidature of the petitioners under the Sikh minority community quota, as they did not fulfil the prescribed preconditions for eligibility under the said quota. Stated simply, the petitioners are claiming admission under a quota for which they are not even eligible. This obviously cannot be allowed. Thus viewed, no benefit can flow to the petitioners on the basis of the decision rendered by the Supreme Court in *Islamic Academy Education's* case (*supra*). Accordingly, in our view, the claim of the petitioners for



admission under the Sikh minority community quota is devoid of any merit.

152. During the course of motion hearing, seven questions of law were framed at the behest of the learned counsel for the petitioners. They were extracted in the motion Bench order dated 10.9.2008. The said seven questions, which the petitioners desired to press, have been extracted in paragraph 12 above. At that juncture, learned counsel for the petitioners had possibly desired to press the same, in the manner and tenor recorded in the order dated 10.9.2008. We have recorded hereinabove, our conclusions on the issues actually canvassed before us. Although, the issues pressed during the course of hearing, may appear to be different, yet a closer examination of the determination reveals, that even the questions framed have principally been adjudicated upon, although there is apparently a difference in the manner of their projection. Needless to mention that all the issues raised during the course of regular hearing have been dealt with in the manner they were canvassed.

153. In a judgement like the one in hand, it would have been necessary for us to record a compilation of our conclusions, so as to summarise our findings in respect of the different issues dealt with. We are, however, of the view that in view of the index provided at the beginning of the instant judgement, our analysis and conclusions on the different aspects dealt with, are easily accessible. For reasons of brevity, therefore, we refrain from recording our conclusions all over again.

154. For the reasons recorded hereinabove, the instant writ petition is dismissed.

30.05.2009

(J.S. Khehar)  
Judge

(Jasbir Singh)  
Judge

(Ajay Kumar Mittal)  
Judge

Appendix - 6

Decision of the High Court on  
Review Petition filed by M.S. Rahi

R.A. No. 215 of 2009

In the High Court of Punjab and Haryana, Chandigarh

R.A. No. 215 of 2009

C.W.P No. 14859 of 2008

Date of Decision: 07.08.2009

Gurleen Kaur

...Appellant

Versus

State of Punjab and others

...Respondents

Coram:- Hon'ble Mr. Justice J.S. Khehar

Hon'ble Mr. Justice Jasbir Singh

Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. M.S. Rahi, Advocate

...

J.S. Khehar, J. (Oral)

Through the instant review application, the applicant seeks review of the conclusions drawn in paragraphs 74 and 127 of the judgement rendered in Civil Writ Petition No.14859 of 2008. The aforesaid two paragraphs are being extracted hereunder:

"74. We have considered the submissions advanced by the learned counsel for the parties. Our attention was also invited to some verses from the Guru Granth Sahib where reference was made to "kesh/keshas". We have intentionally not extracted any of them herein. Some such hymns have been referred to in the submissions recorded hereinafter as

were advanced by interveners who were allowed to address the Court. In all such verses cited before us, we came to realize that reference to hair ("kesh/keshas") was contextually different from the issue which we have been called upon to adjudicate. In our view, the Guru Granth Sahib is a treatise limited to the expression of the moral and spiritual code of conduct for Sikhs. The Guru Granth Sahib is also a guide/teacher/prayer for Sikhs to lead them to salvation i.e. merger with God. The physical aspects of the Sikh faith, in our view, can be rightfully traced only from the "Sikh rehat-maryada" and from other preachings of the "Sikh gurus" connected to the code of conduct in their day to day life. It would be wrong, therefore, to look for an answer to the controversy, whether or not, Sikhs are ordained to maintain their bodily hair unshorn from the Guru Granth Sahib.

127. Having dealt with the historical background of the Sikh religion, legislative enactments involving the Sikh religion, the "Sikh rehat-maryada", the "Sikh ardas" and views expressed by scholars of Sikhism, we are satisfied that they all lead to one unambiguous answer, namely, that maintaining hair unshorn is an essential component of the Sikh religion. In fact, maintaining hair unshorn can be treated to be a part of the religious consciousness of the Sikh faith. It may be a matter of surprise, that in our aforesaid conclusion, we have not referred to the Guru Granth Sahib as the basis of our determination. Having heard learned counsel for the rival parties, we arrived at the conclusion that Guru Granth Sahib is a treatise, limited to the teaching of, the moral and spiritual code of conduct to the Sikhs. The Guru Granth Sahib is for the guidance of Sikhs in their pursuit towards spiritual salvation. It does not deal with the code of conduct prescribed for Sikhs. The code of conduct is strictly contained in the "Sikh rehat-maryada," which should be the primary basis for drawing conclusions in respect of the instant issue. However, important inferences on the subject also emerged from the other aspects referred to hereinabove. Furthermore, reference to the terms "kesh/keshas" (hair) in the Guru Granth Sahib was found to be contextually different from the

issue which we are venturing to determine. This aspect of the matter has also been discussed above while recording the views of Giani Harinder Pal Singh. Undoubtedly, the Guru Granth Sahib does not make any reference to the terms "sehajdhari", "amritdhari" and "patit". The clear inference, therefore is, that the Guru Granth Sahib does not deal with the issue which is subject matter of our consideration. There may be some justification in the inferences drawn by Shri Gurtej Singh (one of the interveners) from various verses of the Guru Granth Sahib, yet it would not be incorrect to state, that the issue whether Sikhs are ordained to maintain their bodily hair unshorn, has not been expressly dealt with in the Guru Granth Sahib. We are, therefore, of the view that it would not be well founded to base our conclusions, in so far as the instant issue is concerned, on the Guru Granth Sahib. We have also intentionally not taken into consideration the views expressed by the various interveners. Their views appear to us to be based on their personal beliefs, convictions and understanding of the Sikh religion. In spite of their individual achievements in the field of Sikh religion, we were of the view that an attempt at our hands to determine the correctness or otherwise of their views, would be an exercise in futility, as we may have led ourselves into controversies which are strictly not relevant for the task in hand. In any case, there was sufficient unambiguous material available with us to render a conclusion on the issue (whether or not, keeping unshorn hair is an important aspect of the Sikh religion?). In our view, the Gurdwara Acts of 1925 and 1971 are legislative enactments, which have withstood the test of time, wherein "keshdhari" (a Sikh who maintains hair unshorn) has been incorporated as the fundamental precondition for being vested with the right to be included even in the electoral rolls. The "Sikh rehat-maryada" not only requires Sikhs to keep their hair unshorn, even an act of dishonouring hair, is taken as a tabooed practice. An act of dyeing one's hair is treated as an act of dishonouring hair. The fundamental of retaining hair unshorn is not only for adults, but is also for minors, as adults are required to

maintain the hair of the children unshorn. The "Sikh ardas" also establishes the same tenet, from the fact that the keeping hair unshorn is mentioned twice in the "Sikh ardas". Scholars of the Sikh religion, be it Sikhs or non-Sikhs of Indian heritage, or foreigners believing in a religion other than Sikhism, each one of them has described the requirement to keep hair unshorn as fundamental to the Sikh religion. It would, therefore, not be incorrect for us to conclude, that maintaining hair unshorn is a part of the religious consciousness of the Sikh faith. The same view was expressed in an academic exercise carried out by the Punjabi University, Patiala."

In sum and substance, this Court had concluded in the aforesaid paragraphs, that the Guru Granth Sahib was a treatise limited to the expression of the moral and spiritual code of conduct for Sikhs. And further, that the physical aspect of the Sikh faith could be traced only from the "Sikh rehat-maryada" and from other preachings of the "Sikh gurus", meaning thereby, that the same could not be traced from the Guru Granth Sahib. It is this aspect of the matter, which according to the pleadings of the instant application, led to a deep sense of sorrow in the heart of the applicant. So as to demonstrate his viewpoint, that the conclusions recorded by this Court in the judgement to the effect noticed hereinabove, were not in consonance with the reality of the Guru Granth Sahib. The applicant painstakingly read through paragraphs 4 and 5 of the application. So as to understand effectively the entire submissions advanced by the applicant, we are extracting hereunder paragraphs 4 and 5 of the application, lest it be felt, that the submissions advanced during the course of hearing, have not been duly taken into consideration:

"4. That with respect, it is submitted, Guru Granth Sahib is not 'a treatise limited to the expression of moral and spiritual code of conduct of the Sikhs', as many other subjects and thoughts have been included in Sri Guru Granth Sahib for the guidance of the Sikhs and other people. For example, Guru Nanak as a humanist, views the problem of religion, not as a problem of God alone, but of man also. In Guru Nanak's way of thinking, all achievement of spiritual heights

cannot be divorced from struggle for achievement of a more human and just world. In many Shabads of Guru Nanak, the focus is on social and political problems of the people. In the ultimate analysis of 1430 pages of Guru Granth Sahib, it does not seem to be a treatise limited to the spiritual and moral things alone, as Guru Granth Sahib teaches the Sikhs also to be self-reliant, self respecting, self-confident, discriminating, socially responsible, having a sense of unity and equality, productive member of society, fully conscious of their religious, historical and cultural heritage, Human Rights, Corruption and corruption in justice delivery system, Environment and its protection, Merit of the Rulers, Injustice and Duty of the Ruler to his subjects. There is no doubt that there are large number of Shabads in Guru Granth Sahib projecting the concept of egalitarianism and humanism. The first proclamation of Guru Nanak was, 'There is neither a Hindu nor a Muslim', but only a man – the central piece of focus of his attention. In Japuji Sahib, Guru Nanak said, 'Nanak uttam neech na koi', laying down that all human beings are equal. The same concept has been repeated in various parts of Guru Granth Sahib. There are host of other subjects, including the futuristic thoughts which are imbedded in Guru Granth Sahib and are required to be explored for further development of civilisation. The cosmic vision of Guru Nanak is limitless and no limit can be imposed on that.

5. That like the doctrine of Miri-Piri, the concepts of Rehat and Gurmat are there in the Bani of Guru Nanak as contained in Sri Guru Granth Sahib. About Rehat, Guru says, "Manmukh kathni hai, par rehat na hoi", (the perverse person preaches piety, but himself practices it not. SGGS, page 831). Similarly, about Gurmat way of life, the Guru says 'Gurmat chaal nihchal nahi dolai. Gurmat sach sehaj har bolai'. (By adjusting life-department in accordance with Guru's teachings may become stable and staggers not. By Guru's instructions, he instinctively repeats the true name of God. (SGGS, page 227). In the same way, Guru Nanak in Japuji says, 'Amrit wela sach naon vadyai vichaar', (Early in the morning utter the True Name and reflect upon God's greatness). These very

concept have been transformed into Sikh Rehat Maryada (The Code of Conduct and Conventions) in a different language, meaning thereby that every ideological aspect of Rehat Maryada is rooted in the teachings of Guru Granth Sahib. By no stretch of imagination, it can be said that any ideological part of Rehat Maryada has independent existence apart from Guru Granth Sahib. There is a complete unity of spiritual and temporal things in Sikhism and deeply rooted in Sri Guru Granth Sahib itself. There is no possibility of separating the two, as this doctrine is deeply rooted in Guru Granth Sahib. The Sikhs take vak/hukam from Guru Granth Sahib for a direction in their day to day life. Therefore, a Sikh's life is governed by the teachings of Guru Granth Sahib in all aspects."

Having heard the applicant, we repeatedly enquired from him to demonstrate by citing any verse of the Guru Granth Sahib, that our conclusions to the effect, that the Sikh code of conduct could not be determined from the teachings recorded therein, the applicant repeatedly fell back on to the averments recorded in paragraphs 4 and 5 of the application.

Insofar as, the code of conduct is concerned, a perusal of the judgement reveals great emphasis at the hands of the Sikhs, insofar as the five "kakkars" are concerned. We invited the applicant to demonstrate even from a single verse of the Guru Granth Sahib wherein any of the five "kakkars" have been mentioned. Besides evading the question, reference was always made to the averments made in paragraphs 4 and 5 of the application, extracted hereinabove.

In the background of the factual position recorded hereinabove, we informed the applicant, that the submissions advanced by him besides being unsubstantiated, even otherwise, do not relate to the controversy settled by this Court with the disposal of Civil Writ Petition No. 14859 of 2008. To this, the applicant remarked that he was conscious of the fact, that the pleadings in this application have no effect on the merits of the case. This statement made by the applicant, to state the least, is most irresponsible. The pleadings of the application also reveal, that the conclusions drawn by this Court in paragraphs 74 and 127

extracted hereinabove, were “unwarranted, tells the half-truth, confuses the distinctive identity of the Guru Granth Sahib, misinterpreting, controversial and the same strikes at the roots of theo-political (Miri-Piri) unity of the Sikh thought as contained in the Guru Granth Sahib.” These words used in the application, to our mind, are a matter of politicisation of the issue, rather than an honest effort to correct any mistake, that may have occurred in the order passed by us. While dismissing this application, we consider it just and appropriate to impose token costs in the nature of the “Sikh rehat-maryada” on the applicant. He is, accordingly, directed to pay Rs.101/- as costs. The aforesaid costs shall be deposited by the applicant with the Legal Services Authority, Punjab, within one month from today. CM stands disposed of in the aforesaid terms.

07.08.2009

(J.S. Khehar)  
Judge

(Jasbir Singh)  
Judge

(Ajay Kumar Mittal)  
Judge



## Appendix - 7

### Rigorism over Reality

—Kanwar Sandhu

The Shiromani Gurdwara Parbandhak Committee has redefined its definition of Sehajdhari Sikhs for submission in the Punjab and Haryana High Court following criticism in some quarters. The Court asked for a definition in the wake of certain students having challenged the denial of admission in SGPC-run institutions in the "Sikh category". However, even the redefined definition falls short of the reality that pervades in the Sikh community. The previous definition, that courted controversy, defined Sehajdhari Sikh as a person from another religious faith, who was in the process of adopting Sikhism. As per the new definition, a Sehajdhari is the one who believes only in 10 Gurus and the Guru Granth Sahib, performs ceremonies as per Sikh traditions, does not consume tobacco or anything else which is specifically forbidden by the Sikh religion and avoids trimming hair, beard or eyebrows.

The new definition means that all those who believe in the Sikh Gurus and the Guru Granth Sahib and perform ceremonies as per Sikh traditions but are not baptised and also who trim hair, beard or eyebrows, are "patits". This *inter alia* creates only two categories of Sikhs—baptised Sikhs (khalsa) and Sehajdhari Sikhs. Though this may not have been the intention, but by its definition, which has been endorsed by various Sikh religious bodies and institutions, the SGPC has with one stroke excluded from the Panth nearly 70 per cent of its cadre.

Even though this writer falls terribly short of adopting the rigours of baptism, one does understand the rigorism of the SGPC on the matter; unless religious norms are enforced strictly, there is a risk of these being dissipated further. But in so doing at this stage when the community in its form and identity is facing a crisis

of acceptance in different parts of the world, the SGPC risks alienating many believers. It must also be pointed out that the present state of affairs is partially due to SGPC's own failure to ensure faithful application of the religious norms among its cadres, forceful and correct projection of its form and values, and change with the times. This is despite its political associate, the Shiromani Akali Dal, having been in power for several stints and in spite of the examples set by the British. For example, though all forms of Sikhs can enlist in the Indian armed forces, only those who strictly follow the Sikh Rehat Maryada (a guide to the Sikh way of life) can enlist in the Sikh Regiment. This practice, which started during the Sikh rule and followed by the British, continued after Partition. Ironically, there is no such stipulation in any wing of Punjab's own police!

The new definition appears to be oblivious of the harsh reality that prevails today. Why not accept the four categories of Sikhs, as they are? In the first category come the Khalsa, the baptized Sikhs. This undeniably is the most revered category. The second category is that of a Gursikh, who follows the Sikh Rehat Maryada but has not partaken "amrit". In the third category are those who are born in Sikh homes and who believe in the Guru Granth Sahib and perform all ceremonies as per Sikh rights but are either clean-shaven or clip their hair partially. Most NRIs and rural youth in Punjab fall in this category. In the fourth category are those who are not born in the Sikh homes but are believers in the Guru Granth Sahib and also perform ceremonies as per Sikh traditions. Their number is on the wane, primarily because this category has been ignored. Since Sikhism as it is today has evolved from Guru Nanak's world view, it may not be out of place to remind our religious heads engaged in nitpicking on the form of Sikhism of the ideals of the founder who declared "na koi Hindu na koi Mussalman".

The new definition appears to go beyond the Rehat Maryada as approved by the SGPC in 1945. The introduction to the Maryada gives the definition of a Sikh as "any person whose faith is in one God, the Ten Gurus and their teaching and the Adi Granth. In addition he or she must believe in the necessity and importance of *amrit* (initiation) and must not adhere to any other religion."

Significantly, the definition does not set partaking of "amrit" as a precondition for being a Sikh. Besides, who can be dubbed a "patit" is debatable. "Patit" by definition is a "lapsed Sikh" — should it include those who are yet to partake "amrit" or those who have erred after partaking "amrit", or both?

Definition apart, by denying a person his or her belief — by birth or resolve — to be a Sikh, the loser would be the community. Already, a large number of people born in Sikh homes have co-opted into other sects and deras. In fact, ways should be devised to get them back into the fold. The new definition mixes up two forms — Sikh and Khalsa. Since the second has evolved from the first, the two are intrinsic. Yet, if one does not qualify to being the second (Khalsa), does one lose the inherent right to be the first (Sikh)? Instead of quibbling over form, the need is to address the two issues that have emerged of voting in the SGPC and quota admissions to the Sikh institutions. This requires wider deliberation. One could throw the voting and admissions open to all Sikhs (with Singh or Kaur to their names, as mandated in the Maryada) or have quotas for different categories of Sikhs within the existing framework. Narrowing down the definition to accepting only a Khalsa as a Sikh, besides the Sehajdhari, is replete with the risk of at least some among the vast number of believers gradually walking into other faiths or simply losing faith. The choice is between exclusivity and universalism. Incidentally, all those religions which opted for the latter flourished while the ones which embraced exclusivity were gradually marginalised.

*(Hindustan Times, 17 January 2009)*

## Appendix - 8.1

### Sikhism is about Spiritual Evolution

—Vishal Sharma/TNN

**Chandigarh:** The full bench, headed by Justice J.S. Khehar, on Wednesday witnessed some extensive and engrossing submissions on the essence, traditions and cultural moorings of Sikhism even as petitioner's counsel objected to enlarging the scope of the petition to such exalted heights.

"We may be bogged down by questions like who is a Sikh or what is the true spirit of Sikhism. My plea merely relates to admission process and eligibility conditions as stipulated by SGPC," said Rajiv Atma Ram even as he posed no serious objection to lawyer Pavit Mattewal being allowed to intervene in the case.

Mattewal, who was permitted to intervene by the bench, so as to help the court unravel knotty issues involved, came out with an hour long speech trying to capture the spiritual-cum-ethical essence of Sikhism and code of conduct guiding a true Sikh. Submitting a synopsis of his assertions before the bench, he minced no words stating, "There is a degree of desirability bordering on essentiality to keep long hair but there is no compulsion or express code of conduct mandating the same as far as the first nine gurus are concerned."

Emphasizing that Sikhism transcended restrictions of symbolism, Mattewal said the religion offered a "trajectory of spiritual evolution of a man from being a follower to one who is inseparable from the master."

"Neither in Guru Nanak's nor Guru Ramdas's code of conduct 'Rehat Maryada' there is stress on keeping of long hair," Mattewal hammered trying to convince the judges of the board, secular reach of the great religion that was not only a discipline but a way of life leading to union with the almighty.

Even as the packed courtroom listened in rapt attention, he stated Khalsa, a purified and highly evolved version of a Sikh, was not about wearing five K's but also living and dying for the cause of humanity. It is the cumulative impact of teaching of all gurus. Importantly, there were some incisive queries by the High Court as to can any one become a Sikh by birth, is 'Rehat Maryada' confined the Sikhs alone etc.

*(Times of India, 23 October, 2008)*

## Appendix - 8.2

### SGPC sticks to old definition of Sehajdhari

*-Tribune News Service*

**CHANDIGARH, DECEMBER 3:-** Members of the SGPC executive led by its president Avtar Singh, today laid down the definition of a Sehajdhari Sikh.

Sticking to the definition given in the Sikh Gurdwara Act 1925, the committee members have stated that Sehajdhari Sikhs are those who are born in non-Sikh families, but follow the tenets of Sikhism. A Sehajdhari Sikh is thus a non-Sikh who performs ceremonies according to Sikh rites; who does not use tobacco, does not consume halal meat in any form; who is not a "patit and who recites the mulmantra of Guru Granth Sahib.

In the resolution passed during a meeting held this evening, the SGPC pointed out that the definition of Sehajdhari given in the Section 2 (10-A) of the Gurdwara Act states that the word "Sehajdhari" consists of two words "sehaj" (slowly) and "dhari" (adopt a religious path) and hence these are those novices who slowly move on the path of Sikhism to adopt its doctrine, ethics and tenets.

A Sehajdhari, therefore, is one who has entered the path of Sikhism and he will continue to be a Sehajdhari Sikh till he fully accepts the moral and spiritual vows of Sikhism, to be called a practicing Sikh. The SGPC resolution also made it clear that when a Sehajdhari Sikh becomes a Keshdhari Sikh, but he chooses to trim his body hair, he will not be a Sehajdhari Sikh. Similarly, if a person born into a Sikh family (and is a Sikh), but chooses to disrespect his keshdhari roop he will not turn into a Sehajdhari Sikh but become a "patit".

The SGPC would be filing an affidavit in the Punjab and Haryana High Court on the basis of the resolution passed today.

Taking up a petition filed by five students who had been denied admissions to MBBS course in a SGPC-run medical college on the ground that they were either trimming their beards or plucking their eyebrows, the full bench of the Punjab and Haryana High Court had on September 29 directed the SGPC to define a Sikh. The next date of hearing of the case is December 8.

Also pending in the court is a petition filed by the Sehajdhari Sikh Federation, challenging a notification issued by the Union of India, whereby the voting right of the Sehajdhari Sikhs had been taken away.

*(The Tribune, 4 December 2008)*

## SGPC's definition of Sikhs irks expected quarters

-Times News Network

**Chandigarh/Amritsar:-** SGPC's definition of 'Sehajdhari Sikh' adopted at a meeting of its interim committee on Wednesday here, has invited criticism from expected places. Sehajdhari Sikh Federation (SSF), which has legally challenged the dis-enfranchisement of Sehajdharis in the SGPC elections, termed the definition "unconstitutional and against the teachings of Sikh religion."

Dr. Paramjit Singh Ranu, national president of SSF, cited the definition of Sehajdhari in *Mahan Kosh* the encyclopaedia of Sikhism—at page number 137 as "a person who remains at ease with liberal thought, who is an integral part of Sikhs but does not adhere to the amrit and kachh-kirpan and believes in the ten Gurus and Sri Guru Granth Sahib and has no other religion." By this yardstick as of today, 85% of the total world Sikh population is of non-Amritdhari Sikhs and declaring them as 'patit' is unjustified, he said.

Condemning SGPC's definition of patit, he alleged that "the highest Sikh institution is playing into the hands of anti-Sikh forces which are trying to divide the community, already a minority."

Didar Singh Nalvi, general secretary of Haryana Sikh Gurdwara Parbandhak Committee (HSGPC), an ad hoc body formed to demand separate management rights to control the historical Gurdwaras of Sikhs from the SGPC, reacting to the development, said nobody could change the definition of Sikhs but suggested that SGPC should be a little lenient when the issue involves career of young Sikh children.

Paramjit Singh Sarna, president of the Delhi Sikh Gurdwara Management Committee, which also has long-standing differences with the SGPC, said, "SGPC's executive does not have the power to give definition of a Sikh. It has already been given by Guru Gobind Singh and nobody dare change the same."

(The Times of India, 6 December 2008)



## A person trimming hair, beard can't claim to be Sehajdhari

—Varinder Walia  
Tribune News Service

**AMRITSAR, DECEMBER 6:-** Glaring difference of opinion on the definition of "Sehajdhari Sikh" prepared by the SGPC executive committee and panel of experts may put the Shiromani Committee in a spot.

The panel of Sikh experts have clearly concluded, "A person cannot claim to be a Sehajdhari by trimming/cutting his/her beard or eyebrows in any manner." The meeting of the panel, held here on December 4 was necessitated when objections were raised on the definition of Sehajdhari, passed in the executive committee meeting of the Shiromani Committee, held on December 3 at Chandigarh. However, some members of the panel alleged the SGPC ignored the suggestions made by them at the meeting held under the presidentship of Sukhdev Singh Bhaur, SGPC general secretary and necessary amendments were not made in the resolution passed by the executive committee meeting on December 3.

Bhaur, Kiranjot Kaur, G.S. Lamba, Prof Suba Singh and Jasbir Singh Sabar — all members of the expert panel of the SGPC said they stood by the definition passed by them on December 4.

To a question, Kiranjot Kaur, an SGPC member, said the resolution of the SGPC executive committee about the definition of Sehajdhari was contrary to the one passed by them (Sikh expert panel). Editor of Sikh monthly, *Sant Sipahi*, G.S. Lamba, one of the six members also expressed shock that the executive body had ignored the recommendations, made by the experts.

The SGPC executive committee had reiterated the definition

given in the Sikh Gurdwara Act 1925, according to which the Sehajdhari Sikhs are those who are born in non-Sikh families, but follow the tenets of Sikhism. A Sehajdhari Sikh is thus a non-Sikh who performs ceremonies according to Sikh rites; who does not use tobacco, does not consume halal meat in any form; who is not a "patit" and who recites the mul mantra of Guru Granth Sahib.

In the resolution passed at a meeting held this evening, the SGPC pointed out the definition of Sehajdhari given in the Section 2 (10-A) of the Gurdwara Act states the word "Sehajdhari" consists of two words "sehaj" (slowly) and "dhari" (adopt a religious path) and hence these are those novices who slowly move on the path of Sikhism to adopt its doctrine, ethics and tenets.

A Sehajdhari, therefore, is one who has entered the path of Sikhism and he will continue to be a Sehajdhari Sikh till he fully accepts the moral and spiritual vows of Sikhism, to be called a practicing Sikh. The SGPC resolution also made it clear that when a Sehajdhari Sikh becomes a Keshdhari Sikh, but he chooses to trim his body hair, he will not be a Sehajdhari Sikh. Similarly, if a person born into a Sikh family (and is a Sikh), but chooses to disrespect his keshdhari roop he will not turn into a Sehajdhari Sikh but become a "patit".

However, Lamba and Kiranjot Kaur alleged such a definition passed by the SGPC executive body would have far-reaching effects.

Sabar, another member of the expert panel said the definition of Sehajdhari, passed by the experts should be accepted in toto.

*(The Tribune, 7 December 2008)*

## Defining Sehajdhari; Sikh bodies protest, SGPC defends affidavit

—Prabhjot Singh  
*Tribune News Service*

**Chandigarh, December 22:** Increasing number of Sikh bodies joining hands in their outburst against the Shiromani Gurdwara Parbandhak Committee (SGPC) for the affidavit on the definition of "Sehajdhari Sikh" notwithstanding, the apex Sikh religious body continues to defend its stand maintaining it had only complied with the directions of Punjab and Haryana High Court.

Affidavit has been submitted in context with the statutory law in enforce. Everyone was free to submit or represent its viewpoint in the case that is before the full bench for adjudication, claim SGPC sources, maintaining that even the Delhi Sikh Gurdwara Management Committee through its president Paramjit Singh Sarna has become party to the case.

The SGPC sources also try to dispel the impression that Punjab advocate-general H.S. Mattewal was representing the body in the case. "He is our senior counsel but since he had already expressed his opinion on the issue in an article in a newspaper, he has in all fairness asked us to use the services of other counsel," say these sources maintaining "Pavit Singh Mattewal, a son of H.S. Mattewal, however, wanted to be an intervener in the case like any other lawyer or interested Sikh group to present his or their own opinion in the matter. Besides, there is a battery of lawyers representing different viewpoints in the case." The SGPC has appealed to all to use restraint asking those keen on the issue to seek intervention in the case as interested parties.

It appears not many organisations have gone through the exact contents of the affidavit that prima facie looks well within

the broad parameters of the definition given in the Sikh Gurdwaras Act, 1925. The affidavit given was only in response to a specific query of the court and does not reflect either "any government interference" or "change in the definition".

The definition of "Sehajdhari Sikh" as given in the Sikh Gurdwaras Act, 1925, says that a person "who performs ceremonies according to Sikh rites; who does not use tobacco or kutha (halal meat) in any form; who is not a Patit; and who can recite Mul Mantra is a "Sehajdhari Sikh".

The SGPC in its affidavit had given this definition and followed it with an explanation saying "Sehajdhari" consists of two words - "sehaj" - slowly, and "dhari" - to adopt.

It is this explanation and the subsequent description that has stirred a hornet's nest.

"Hence Sehajdhari Sikhs are those novices who were born in non-Sikh families, and who expressed their desire to adopt Sikhism slowly and gradually, adopt its doctrines, ethics and tenets with belief in Sri Guru Granth Sahib and 10 Gurus.

"A Sehajdhari, therefore, is a novice who has entered the path of Sikhism, and he will continue to be so till he or she fully accepts the moral and spiritual vows of Sikhism, to be called a practising Sikh professing Sikhism. Once a Sehajdhari becomes a Keshadhari Sikh, he under no circumstances by cutting, trimming his or her hair, beard, eyebrows in any manner can claim to be a Sehajdhari Sikh. Similarly, a Sikh born in a Sikh family cannot claim to be a Sehajdhari Sikh by trimming or cutting his hair, beard or eyebrows in any manner."

This explanation, say the SGPC sources, was given only in the ongoing case and reflects the stand of the body in response to a specific query raised by the court in its order of September 29, 2008.

H.S. Mattewal refuses to be drawn into any controversy on the subject maintaining he has "nothing to say as the case is before the full bench and everybody has the right to express his or her opinions in the matter. I humbly submit to all not to sensationalise the issue which is before the full bench. And those who want their opinions to be heard can intervene as interested parties."

*(The Tribune, 23 December 2008)*

## Sehajdhari Issue SGPC to file fresh affidavit in Court Challenges HC locus standi in Sikh matters

—Varinder Walia  
Tribune News Service

**Amritsar, December 28 :** In a volte-face, the emergency meeting of the Shiromani Gurdwara Parbandhak Committee executive committee today decided to stick to the definition of Sikh mentioned in the Sikh Gurdwara Act 1925 according to which only a Kesadhari could be a 'Sehajdhari'.

The meeting, chaired by SGPC chief Avtar Singh also decided to constitute a three-member committee comprising Raghujit Singh Virk, Kewal Singh Badal and Rajinder Singh Mehta, senior vice-president, junior vice-president and executive committee member respectively to fix responsibility of those responsible for submitting 'distorted' definition of 'Sehajdhari' in Punjab and Haryana High Court. The three-member Inquiry committee would submit the report to the SGPC president within two days for taking strict action against the erring officials.

The affidavit was filed by Harbeant Singh, secretary, SGPC who had been in the news for getting the job on the basis of a 'fake certificate' of matriculation. Though he (Harbeant Singh) was sacked during the tenure of the presidentship of Gurcharan Singh Tohra but he was re-instated after his (Tohra's) death.

After the meeting, SGPC president said, the Shiromani Committee would also challenge the locus standi of the Court to 'interfere' in the internal matters of the Sikhs. The SGPC president said as per Sikh Gurdwara Act, the Sehajdhari is a person who

performs ceremonies according to Sikh rites; who does not use tobacco or kutha (halal meat) in any form. The Act further reads Sehajdhari is a person who is not a 'Patit' (apostate) and who can recite 'Mul Mantar'. The Sikh Gurdwara Act further says 'Patit' means a person who being a Kesadhari Sikh trims or shaves his beard or Keshas or who after taking Amrit commits any 'Kurehits'.

President of the Delhi Sikh Gurdwara Management Committee (DSGMC) Paramjit Singh Sarna sought resignation of the SGPC chief for submitting wrong definition of the Sehajdhari in the HC. However, the SGPC chief alleged Sarna had been openly supporting the Congress party which was responsible for Delhi riots and Operation Bluestar. On the other hand, the DSGMC president said the Shiromani Akali Dal, led by Sukhbir Singh Badal had alliance with the BJP which instigated Indira Gandhi, the then PM to launch Bluestar as mentioned in the political biography of L.K. Advani, PM candidate of the BJP.

*(The Tribune, 29 December 2008)*

## Sehajdhari Issue Sants withdraw ultimatum Sikh History Research Board director's resignation accepted

—Varinder Walia  
*Tribune News Service*

**Amritsar, January 2:** The Shiromani Gurdwara Parbandhak Committee (SGPC) today accepted the resignation of Dr Anurag Singh, Director, Sikh History Research Board, even as the Sikh Conclave, held in the SGPC complex, here endorsed the decision of the committee to file a fresh affidavit in the Punjab and Haryana High Court with regard to the definition of Sehajdhari.

Talking to *The Tribune* after the meeting, SGPC president Avtar Singh reiterated that only a Kesadhari could be a Sehajdhari. Meanwhile, the three-member SGPC inquiry committee has decided to meet within a couple of days to fix the responsibility of SGPC officials/office-bearers, responsible for the "wrong" affidavit filed in the High Court.

Meanwhile, the Sant Samaj, headed by Baba Harnam Singh Khalsa, decided to withdraw the ultimatum served on the SGPC for withdrawing the affidavit.

However, eyebrows were raised over many Sikh organisations, including Sikh Missionary College, Gurmat Missionary College and Akal Purkh Ki Fauj, for not being invited to the conclave.

Among those who attended today's meeting were Sikh high priests, representatives of the Damdami Taksal and Chief Khalsa Dewan, headed by Charanjit Singh Chadha, both factions of Akhand Kirtani Jatha, Sikh Babas.

Earlier, Dr Anurag Singh had challenged the formation of the inquiry committee that included the SGPC member who had enforced amendment in the affidavit filed in the High Court. However, Dal Khalsa spokesperson Kanwarpal Singh said the SGPC must take stern action against the “big fish” responsible for the “Sehajdhari muddle” since accepting of the resignation of Dr Anurag Singh was just an eyewash.

Earlier on December 28, in a volte-face, an emergency meeting of the SGPC executive committee had decided to stick to the definition of Sikh mentioned in the Sikh Gurdwara Act 1925 according to which only a Kesadhari could be a Sehajdhari.

The representatives of the organisations, who attended the conclave, appreciated the decision of the SGPC to challenge the locus standi of the court to ‘interfere’ in the internal matters of the Sikhs. They also endorsed that as per Sikh Gurdwara Act, the Sehajdhari is a person who performs ceremonies according to Sikh rites; who does not use tobacco or kutha (halal meat) in any form. The act further reads Sehajdhari is a person who is not a patit (apostate) and who can recite ‘mul mantar’. The Sikh Gurdwara Act further says—patit means a person who being a Kesadhari Sikh trims or shaves his beard or hair or who after taking Amrit commits any kurehits.

*(The Tribune, 3 January 2009)*



## Sehajdhari: SGPC submits affidavit

—*Express News Service*

**CHANDIGARH, JAN 16:** The Full Bench of the Punjab and Haryana High Court, which is hearing the case with regard to definition of Sehajdhari Sikh, made it clear that the Bench, rather than defining the religion, is hearing the case to know the significance of hair in Sikh religion due to which Sikh students are being denied admission in various colleges.

The Full Bench made it clear that the Bench will not allow the issue to be politicised by any party. In light of this, Supreme Court senior advocate H.S. Phoolka was warned by the Full Bench to refrain from politicizing the sensitive matter. Phoolka had appeared on behalf of the DSGMC.

The senior advocate questioned the jurisdiction of the court in this case and submitted that the court could not define the religion. "The findings of this court in this case will adversely affect me and every Sikh across the world," the lawyer submitted. "We don't accept what you are saying," the court quipped.

The Bench, comprising Justice JS Khehar, Justice Jasbir Singh and Justice AK Mittal, refused to hear the argument of the advocate, saying the issue was already closed. "We are not going to hear it again. The issue is closed as we have heard it at length," the Bench observed.

Meanwhile, the SGPC today submitted an additional affidavit in respect of the Sehajdhari Sikh. According to the affidavit, a Sehajdhari Sikh is one who performs ceremonies according to Sikh rites, who does not use tobacco in any form, who is not a patit and who can recite mul mantra.

(*Indian Express*, 17 January 2009)

## ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਸਿੱਖ ਪੰਥ ਲਈ ਅਕਾਲ ਪੁਰਖ ਦਾ ਆਰਡੀਨੈਂਸ : ਗੁਰਤੇਜ ਸਿੰਘ

### ਕਰਮਜੀਤ ਸਿੰਘ ਦੀ ਵਿਸ਼ੇਸ਼ ਰਿਪੋਰਟ :

ਚੰਡੀਗੜ੍ਹ, 27 ਫ਼ਰਵਰੀ : ਸਹਿਜਧਾਰੀ ਮੁੱਦੇ ਬਾਰੇ ਅੱਜ ਪੰਜਾਬ, ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਵਿਚ ਸੁਣਵਾਈ ਦਾ ਅਗਲਾ ਦੌਰ ਆਰੰਭ ਹੋਇਆ। ਅੱਜ ਕਿਉਂਕਿ ਵਕੀਲ ਭਾਈਚਾਰਾ ਆਪਣੀਆਂ ਮੰਗਾਂ ਨੂੰ ਲੈ ਕੇ ਹੜਤਾਲ ਉੱਤੇ ਸੀ, ਇਸ ਲਈ ਸੰਬੰਧਿਤ ਧਿਰਾਂ ਦੇ ਵਕੀਲ ਆਪਣਾ ਪੱਖ ਪੇਸ਼ ਨਹੀਂ ਕਰ ਸਕੇ। ਪਰ ਅਦਾਲਤ ਨੇ ਸਿੱਖ ਧਰਮ ਅਤੇ ਸਿੱਖ ਇਤਿਹਾਸ ਨਾਲ ਜੁੜੇ ਵਿਦਵਾਨਾਂ ਨੂੰ ਉਪਰੋਕਤ ਮੁੱਦੇ ਬਾਰੇ ਆਪਣਾ ਪੱਖ ਪੇਸ਼ ਕਰਨ ਦੇ ਖੁੱਲ੍ਹੇ ਮੌਕੇ ਦਿੱਤੇ।

ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਇੱਕ ਰਾਜਨੀਤਕ ਪਾਰਟੀ ਸ਼੍ਰੋਮਣੀ ਅਕਾਲੀ ਦਲ 'ਪੰਚ ਪ੍ਰਧਾਨੀ' ਦੀ ਪ੍ਰਤੀਨਿਧਤਾ ਕਰਦਿਆਂ ਸਿੱਖ ਧਰਮ ਰਾਜਨੀਤੀ ਅਤੇ ਇਤਿਹਾਸ ਦੇ ਇੱਕ ਵਿਸ਼ੇਸ਼ ਮਾਹਿਰ ਦੀ ਹੈਸੀਅਤ ਵਿੱਚ ਸ੍ਰੀ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ, ਸਿੱਖ ਇਤਿਹਾਸ, ਸਮਕਾਲੀ ਸਿੰਘ ਸੋਮਿਆਂ ਅਤੇ ਗ਼ੈਰ-ਸਿੱਖ ਸਮਕਾਲੀ ਸੋਮਿਆਂ ਵਿੱਚੋਂ ਠੋਸ ਹਵਾਲੇ ਦੇ ਕੇ ਇਹ ਸਿੱਧ ਕਰਨ ਦਾ ਯਤਨ ਕੀਤਾ ਕਿ ਕਿਵੇਂ ਦਸ ਗੁਰੂ ਸਾਹਿਬਾਨ ਨੇ ਬਾਕਾਇਦਾ ਕੇਸ ਰੱਖੇ ਹੋਏ ਸਨ ਅਤੇ ਕੇਸਾਂ ਤੋਂ ਬਿਨਾਂ ਸਿੱਖ ਹੋਣ ਦੀ ਕਲਪਨਾ ਵੀ ਨਹੀਂ ਕੀਤੀ ਜਾ ਸਕਦੀ। ਉਨ੍ਹਾਂ ਨੇ ਆਪਣੇ ਪੱਖ ਨੂੰ ਲਿਖਤੀ ਰੂਪ ਵਿਚ ਦੋ ਹਿੱਸਿਆਂ ਵਿੱਚ ਵੰਡਿਆ ਅਤੇ ਪਹਿਲੇ ਹਿੱਸੇ ਵਿੱਚ ਉਨ੍ਹਾਂ ਨੇ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਤੇ ਭਾਈ ਗੁਰਦਾਸ ਦੀ ਰਚਨਾ ਵਿੱਚੋਂ ਦਰਜਨਾਂ ਅਜਿਹੇ ਹਵਾਲੇ ਪੇਸ਼ ਕੀਤੇ, ਜਿਹੜੇ ਕੇਸ ਲਾਜ਼ਮੀ ਰੱਖਣ ਦੀ ਮਹੱਤਤਾ ਦੀ ਮੰਜ਼ਿਲ ਵੱਲ ਲੈ ਕੇ ਜਾਂਦੇ ਸਨ। ਇਸ ਦਿਸ਼ਾ ਵਿੱਚ ਉਨ੍ਹਾਂ ਨੇ ਸਹਿਜ ਅਵਸਥਾ, ਤੁਰੀਆ ਅਵਸਥਾ, ਨਿਰਗੁਣ, ਸਰਗੁਣ, ਗੁਰਮੁਖ ਅਤੇ ਅੰਮ੍ਰਿਤ ਵਰਗੇ ਦਾਰਸ਼ਨਿਕ ਨੁਕਤਿਆਂ ਦੀ ਗੰਭੀਰ ਵਿਆਖਿਆ ਕਰਦਿਆਂ ਅਤੇ ਵਿੱਚੋਂ ਜਸਟਿਸ ਖੇਰ ਅਤੇ ਜਸਟਿਸ ਜਸਵੀਰ ਸਿੰਘ ਵੱਲੋਂ ਪੁੱਛੇ ਸਵਾਲਾਂ ਦਾ ਢੁੱਕਵਾਂ ਅਤੇ ਦਲੀਲਾਂ ਨਾਲ ਭਰਿਆ ਜਵਾਬ ਦਿੰਦਿਆਂ ਕਿਹਾ ਕਿ ਸਾਰੇ ਗੁਰੂ ਸਾਹਿਬਾਨ ਗੁਰੂ ਨਾਨਕ ਦੀ ਜੋਤਿ ਸਨ। ਜੇ ਜਸਟਿਸ ਖੇਰ ਨੇ ਸਵਾਲ ਕੀਤਾ ਕਿ ਤੁਸੀਂ ਇਹ ਕਿਵੇਂ ਸਿੱਧ ਕਰ ਸਕਦੇ ਹੋ ਕਿ ਸਾਰੇ ਗੁਰੂ ਸਾਹਿਬਾਨ ਗੁਰੂ ਨਾਨਕ ਦੀ ਜੋਤਿ ਸਨ ਤਾਂ ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਜਵਾਬ ਦਿੱਤਾ ਕਿ ਦੂਜੇ, ਤੀਜੇ, ਚੌਥੇ, ਪੰਜਵੇਂ ਤੇ ਨੌਵੇਂ ਗੁਰੂ ਦੀ ਬਾਣੀ ਵਿੱਚ ਹਰੇਕ ਸ਼ਬਦ ਦੇ ਅੰਤ ਵਿੱਚ 'ਨਾਨਕ' ਸ਼ਬਦ ਦੀ ਵਰਤੋਂ ਇਸ ਹਕੀਕਤ ਦੀ ਠੋਸ ਗਵਾਹੀ ਹੈ। ਇਸ ਤੋਂ ਬਿਨਾਂ ਉਨ੍ਹਾਂ ਨੇ ਇਤਿਹਾਸ ਦਾ ਹਵਾਲਾ ਦਿੰਦਿਆਂ ਸਮਕਾਲੀ ਮੁਗਲ ਪ੍ਰਸ਼ਾਸਨ

ਬਾਰੇ ਵਿਲੀਅਮ ਇਰਵਿਨ ਦੀ ਉਂਘੀ ਰਚਨਾ *ਲੇਟਰ ਮੁਗਲਜ਼* ਦਾ ਜ਼ਿਕਰ ਕੀਤਾ ਜਿਸ ਵਿੱਚ ਉਸ ਲੇਖਕ ਨੇ 10ਵੇਂ ਪਾਤਸ਼ਾਹ ਲਈ “ਗੁਰੂ ਗੋਬਿੰਦ ਨਾਨਕ” ਦੀ ਵਰਤੋਂ ਕੀਤੀ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਵਿਚ ਦਰਜ ਭੱਟਾਂ ਦੇ ਸਵੱਈਏ ਇਸ ਸੱਚਾਈ ਨੂੰ ਹੋਰ ਵੀ ਸਪੱਸ਼ਟ ਕਰ ਦਿੰਦੇ ਹਨ ਤੇ ਕਿਸੇ ਵੀ ਭੁਲੇਖੇ ਦੀ ਗੂੰਜਾਇਸ਼ ਨਹੀਂ ਰਹਿੰਦੀ। ਉਨ੍ਹਾਂ ਨੇ ਇਸ ਸੰਬੰਧ ਵਿੱਚ ਮੋਹਸਿਨ ਫ਼ਾਨੀ ਦਾ ਵੀ ਜ਼ਿਕਰ ਕੀਤਾ, ਜੋ ਗੁਰੂ ਹਰਿਗੋਬਿੰਦ ਸਾਹਿਬ ਦਾ ਸਮਕਾਲੀ ਸੀ।

ਅਦਾਲਤ ਨੂੰ ਪੇਸ਼ ਕਰਦਿਆਂ 56 ਸਫ਼ਿਆਂ ਦੇ ਆਪਣੇ ਬੀਸਿਸ ਵਿੱਚ ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਕਿਹਾ ਕਿ ਅਨੰਦਪੁਰ ਸਾਹਿਬ ਉਹ ਥਾਂ ਹੈ, ਜਿੱਥੇ ਦਸਵੇਂ ਗੁਰੂ ਨੇ ਅੰਮ੍ਰਿਤ ਛਕਾ ਕੇ ਰਹਿਤ ਮਰਿਆਦਾ ਦਾ ਐਲਾਨ ਕੀਤਾ ਤੇ ਉਸ ਤੋਂ ਪਿੱਛੋਂ ਇਸ ਥਾਂ ਨੂੰ “ਕੇਸਗੜ੍ਹ ਸਾਹਿਬ” ਦੇ ਨਾਂ ਨਾਲ ਯਾਦ ਕੀਤਾ ਜਾਂਦਾ ਹੈ—ਯਾਨੀ “ਕੇਸਾਂ ਦਾ ਕਿਲ੍ਹਾ”। ਉਨ੍ਹਾਂ ਨੇ ਸਿੱਖ ਪੰਥ ਦੇ ਉਂਘੇ ਫਿਲਾਸਫਰ ਸ. ਕਪੂਰ ਸਿੰਘ ਆਈ.ਸੀ.ਐਸ. ਦੀ ਬਹੁ-ਚਰਚਿਤ ਇਤਿਹਾਸਕ ਰਚਨਾ *ਪਰਾਸ਼ਰ ਪ੍ਰਸ਼ਨਾ* ਦਾ ਜ਼ਿਕਰ ਕੀਤਾ, ਜਿਸ ਵਿੱਚ ਕੇਸਗੜ੍ਹ ਸਾਹਿਬ ਨੂੰ “ਸਾਬਤ ਸੂਰਤ ਕੇਸ ਰੱਖਣ ਦਾ ਭਾਗਾਂ ਭਰਿਆ ਕਿਲ੍ਹਾ” ਕਿਹਾ ਗਿਆ ਹੈ। ਇਸ ਤੋਂ ਬਿਨਾਂ ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਕਿਹਾ ਕਿ ਸਿੱਖ ਆਪਣੀ ਅਰਦਾਸ ਵਿੱਚ ਹਰ ਰੋਜ਼ ਅਕਾਲ ਪੁਰਖ ਤੋਂ ਸਿੱਖਾਂ ਲਈ “ਕੇਸ ਦਾਨ” ਦੀ ਮੰਗ ਕਰਦੇ ਹਨ। ਜਦੋਂ ਜੱਜ ਸਾਹਿਬ ਨੇ ਪੁੱਛਿਆ ਕਿ ਕੀ ਅਰਦਾਸ ਇੱਕ ਕਰਮ-ਕਾਂਡ (ਰਿਚੁਅਲ) ਹੈ? ਤਾਂ ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਕਿਹਾ ਕਿ ਨਹੀਂ। ਇਹ ਕਰਮ-ਕਾਂਡ ਨਹੀਂ, ਇਹ ਸਿੱਖ ਦੀ ਤਰਜ਼-ਏ-ਜ਼ਿੰਦਗੀ ਹੈ।

ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਕੇਸਾਂ ਦੀ ਮਹੱਤਤਾ ਬਾਰੇ ਆਪਣੇ ਤਰਕ ਨੂੰ ਪੱਕੇ ਪੈਰਾਂ ’ਤੇ ਖੜ੍ਹਾ ਕਰਦਿਆਂ ਕਿਹਾ ਕਿ ਇਸ ਗੱਲ ਵਿੱਚ ਰਤਾ ਵੀ ਸ਼ੱਕ ਨਹੀਂ ਕਿ ਦਸਵੇਂ ਗੁਰੂ ਹਰ ਸਿੱਖ ਨੂੰ ਕੇਸਾਧਾਰੀ ਸਰੂਪ ਵਿੱਚ ਦੇਖਣਾ ਚਾਹੁੰਦੇ ਸਨ ਅਤੇ ਇਸ ਧਾਰਨਾ ਪਿੱਛੇ ਯਕੀਨਨ ਉਨ੍ਹਾਂ ਤੋਂ ਪਹਿਲੇ ਨੌਂ ਗੁਰੂ ਸਾਹਿਬਾਨ ਦਾ “ਪੈਗੰਬਰੀ ਨਜ਼ਰੀਆ” ਕੰਮ ਕਰਦਾ ਸੀ। ਜੋ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਵਿੱਚ ਘੁਲਿਆ-ਮਿਲਿਆ ਹੈ ਅਤੇ ਜਿਸ ਨੂੰ ਗੁਰੂ ਖ਼ਾਲਸਾ ਪੰਥ ਨੇ ਆਪਣੇ ਅਮਲਾਂ ਰਾਹੀਂ ਇਤਿਹਾਸ ਵਿੱਚ ਉਤਾਰਿਆ ਹੈ।

ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਆਪਣੀ ਗੱਲ ਨੂੰ ਹੋਰ ਸਪੱਸ਼ਟ ਕਰਦਿਆਂ ਕਿਹਾ ਕਿ ਗੁਰੂ ਸਾਹਿਬਾਨ ਦਾ ਪੈਗੰਬਰੀ ਨਜ਼ਰੀਆ ਸਰਬੱਤ ਦੇ ਭਲੇ ਲਈ ਹੈ ਅਤੇ ਇਸ ਨਜ਼ਰੀਏ ਨੂੰ ਬਾਕਾਇਦਾ ਅਕਾਲ ਪੁਰਖ ਦੀ ਪ੍ਰਵਾਨਗੀ ਹਾਸਲ ਹੈ। ਉਨ੍ਹਾਂ ਕਿਹਾ ਕਿ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਅਸਲ ਵਿੱਚ ਅਕਾਲ ਪੁਰਖ ਵੱਲੋਂ ਜਾਰੀ ਕੀਤਾ ਆਰਡੀਨੈਂਸ ਹੈ। ਜਦੋਂ ਇਸ ਟਿੱਪਣੀ ਨੂੰ ਜਸਟਿਸ ਥੇਰ ਨੇ ਦੁਹਰਾਉਂਦਿਆਂ ਸਵਾਲ ਕੀਤਾ ਤਾਂ ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਕਿਹਾ ਕਿ ਹਾਂ, ਇਹ ਅਕਾਲ ਪੁਰਖ ਦਾ ਆਰਡੀਨੈਂਸ ਹੈ।

ਇਤਿਹਾਸ ਦੇ ਇਸ ਗੰਭੀਰ ਵਿਦਿਆਰਥੀ ਨੇ ਅਨੈਕਸਚਰ ਏ-2 ਵਿੱਚ ਕਰੀਬ 20 ਨੁਕਤਿਆਂ ਦੀ ਵਿਆਖਿਆ ਕਰਦਿਆਂ ਆਪਣੇ ਤਰਕ ਵਿੱਚ 46 ਇਤਿਹਾਸਕ ਹਵਾਲੇ ਪੇਸ਼ ਕੀਤੇ। ਇਨ੍ਹਾਂ ਵਿੱਚ ਗੁਰੂ ਗੋਬਿੰਦ ਸਿੰਘ ਦੇ ਅਕਾਲ ਚਲਾਣੇ ਦੇ ਤਿੰਨ ਸਾਲ ਪਿੱਛੋਂ 1711 ਈ: ਵਿਚ ਲਿਖੀ ਸੈਨਾਪਤਿ ਕਵੀ ਦੀ ਇਤਿਹਾਸਕ ਰਚਨਾ *ਸ੍ਰੀ ਗੁਰ ਸੋਭਾ* ਦਾ ਜ਼ਿਕਰ ਕੀਤਾ, ਜੋ ਕੇਸ ਲਾਜ਼ਮੀ ਰੱਖਣ ਬਾਰੇ ਪ੍ਰਮਾਣਿਕ ਪੁਸਤਕ ਕਹੀ ਜਾਂਦੀ ਹੈ।

ਕਰੀਬ ਸਾਢੇ ਤਿੰਨ ਘੰਟੇ ਦੀ ਸੁਣਵਾਈ ਦੌਰਾਨ ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਇਹ ਵੀ ਸਪੱਸ਼ਟ ਕੀਤਾ ਕਿ ਗੁਰੂ ਨੂੰ ਬਾਹਰੀ ਸਰੂਪ ਅੰਮ੍ਰਿਤਧਾਰੀ ਵਾਲਾ ਹੀ ਪ੍ਰਵਾਨ ਹੈ, ਜਿਸ ਵਿੱਚ ਕੇਸ ਰੱਖਣੇ ਲਾਜ਼ਮੀ ਹਨ। ਜਿਹੜੇ ਇਸ ਸ਼ਰਤ 'ਤੇ ਪੂਰੇ ਨਹੀਂ ਉਤਰਦੇ ਉਹ ਵੀ ਸਿੱਖ ਹੀ ਆਖੇ ਜਾਣਗੇ। ਉਨ੍ਹਾਂ ਨੂੰ ਮਾਯੂਸ ਨਹੀਂ ਕੀਤਾ ਜਾਣਾ ਚਾਹੀਦਾ। ਪਰ ਇਨ੍ਹਾਂ ਸਿੱਖਾਂ ਨੂੰ ਇਹ ਹੱਕ ਹਾਸਲ ਨਹੀਂ ਕਿ ਉਹ ਪੈਗੰਬਰ ਦੇ ਨਜ਼ਰੀਏ ਨਾਲ ਕੋਈ ਛੇੜ-ਛਾੜ ਕਰਨ ਜਾਂ ਇਸ ਵਿੱਚ ਤਰਮੀਮ ਕਰਨ ਦੀ ਕੋਸ਼ਿਸ਼ ਕਰਨ ਜਾਂ ਆਪਣਾ ਨਿੱਜੀ ਨਜ਼ਰੀਆ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਤੇ ਗੁਰੂ ਖ਼ਾਲਸਾ ਪੰਥ ਉੱਤੇ ਥੋਪਣ ਦੀ ਕੋਸ਼ਿਸ਼ ਕਰਨ। ਉਨ੍ਹਾਂ ਕਿਹਾ ਕਿ ਜਿਹੜੇ ਲੋਕ ਰਹਿਤ ਮਰਿਆਦਾ 'ਚ ਢਿੱਲੇ ਮੱਠੇ ਹਨ, ਕੱਚੇ-ਪਿੱਲੇ ਹਨ ਜਾਂ ਪਤਿਤ ਹਨ, ਉਹ ਸਿੱਖ ਪੰਥ ਦਾ ਹੀ ਹਿੱਸਾ ਰਹਿਣਗੇ। ਉਹ ਮਨੁੱਖੀ ਕਮਜ਼ੋਰੀਆਂ ਦਾ ਸ਼ਿਕਾਰ ਕਰੇ ਜਾ ਸਕਦੇ ਹਨ, ਪਰ ਉਨ੍ਹਾਂ ਨੂੰ ਪਿਆਰ ਤੇ ਹਮਦਰਦੀ ਦੀ ਨਿਗਾਹ ਨਾਲ ਦੇਖਿਆ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਉਨ੍ਹਾਂ ਨੂੰ ਆਪੇ 'ਚ ਸੁਧਾਰ ਦੇ ਸਭ ਮੌਕੇ ਦੇਣੇ ਚਾਹੀਦੇ ਹਨ, ਕਿਉਂਕਿ ਮਨੁੱਖ ਗ਼ਲਤੀ ਦਾ ਪੁਤਲਾ ਹੈ। ਪਰ ਇਹ ਸਿੱਖ ਵੀਰ ਇਹ ਦਾਅਵਾ ਨਹੀਂ ਕਰ ਸਕਦੇ ਕਿ ਸਿੱਖਾਂ ਦੀ ਰਹਿਣੀ-ਬਹਿਣੀ ਕਿਸ ਤਰ੍ਹਾਂ ਦੀ ਹੋਵੇ ਤੇ ਕਿਸ ਤਰ੍ਹਾਂ ਦੀ ਨਾ ਹੋਵੇ। ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਆਪਣੀ ਬਹਿਸ ਨੂੰ ਆਖ਼ਰੀ ਛੋਹ ਦਿੰਦਿਆਂ ਕਿਹਾ, “ਇਨਸਾਨ ਦੀ ਬਣਾਈ ਕੋਈ ਸੰਸਥਾ ਜਾਂ ਗੁਰਦੁਆਰਿਆਂ ਦੇ ਪ੍ਰਬੰਧ ਲਈ ਕਾਇਮ ਕੀਤਾ ਕੋਈ ਬੋਰਡ ਜਾਂ ਵਿਧਾਨ ਪਾਲਿਕਾ ਜਾਂ ਕਾਨੂੰਨੀ ਅਦਾਲਤ ਨੂੰ ਵੀ ਇਹੋ ਜਿਹਾ ਯਤਨ ਨਹੀਂ ਕਰਨਾ ਚਾਹੀਦਾ, ਕਿਉਂਕਿ ਇਹ ਮਸਲੇ ਉਨ੍ਹਾਂ ਦੇ ‘ਅਧਿਕਾਰ ਖੇਤਰ’ ਵਿਚ ਨਹੀਂ ਆਉਂਦੇ।” ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਦੇ ਆਖ਼ਰੀ ਪਹਿਰੇ ਤੇ ਪ੍ਰਸੰਗ ਵਿੱਚ ਮਾਣਯੋਗ ਜੱਜਾਂ ਨੇ ਪਤਿਤ ਸਿੱਖ ਅਤੇ ਅੰਮ੍ਰਿਤਧਾਰੀ ਸਿੱਖ ਬਾਰੇ ਉੱਠਣ ਵਾਲੇ ਕਈ ਨੁਕਤਿਆਂ ਬਾਰੇ ਸਪੱਸ਼ਟੀਕਰਨ ਮੰਗਿਆ। ਅਦਾਲਤ ਨੇ ਖ਼ਾਲਸਾ ਪੰਚਾਇਤ ਦੇ ਕਨਵੀਨਰ ਰਜਿੰਦਰ ਸਿੰਘ ਤੇ ਇਕ ਐਡਵੋਕੇਟ ਸ਼ਮਸ਼ੇਰ ਸਿੰਘ ਨੂੰ ਵੀ ਆਪਣਾ ਪੱਖ ਪੇਸ਼ ਕਰਨ ਦਾ ਮੌਕਾ ਦਿੱਤਾ। ਪਰ ਜੱਜ ਸਾਹਿਬ ਵਾਰ-ਵਾਰ ਇਹ ਕਹਿ ਰਹੇ ਸਨ ਕਿ ਕੋਈ ਵੀ ਵਿਅਕਤੀ ਅਦਾਲਤ ਨੂੰ ਆਪਣੀ ਨਿੱਜੀ ਰਾਏ ਦੱਸਣ ਦਾ ਯਤਨ ਨਾ ਕਰੇ। ਅਦਾਲਤ ਕੇਵਲ ਉਨ੍ਹਾਂ ਹਵਾਲਿਆਂ ਨੂੰ ਹੀ ਤਰਜੀਹ ਦੇਵੇਗੀ, ਜੋ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ, ਸਿੱਖ ਇਤਿਹਾਸ ਅਤੇ ਹੋਰ ਇਤਿਹਾਸਕ ਰਚਨਾਵਾਂ ਵਿੱਚ ਪੇਸ਼ ਕੀਤੇ ਜਾਣਗੇ। ਮਾਣਯੋਗ ਜੱਜ ਨੇ ਸੁਣਵਾਈ ਦੀ ਅਗਲੀ ਤਾਰੀਖ਼ 6 ਮਾਰਚ ਰੱਖੀ ਹੈ, ਜਿਸ ਵਿੱਚ ਸੀਨੀਅਰ ਐਡਵੋਕੇਟ ਕੇ.ਟੀ.ਐਸ. ਤੁਲਸੀ ਅਤੇ ਹੋਰਨਾਂ ਦਾ ਪੱਖ ਸੁਣਿਆ ਜਾਵੇਗਾ। ਅੱਜ ਦੀ ਸੁਣਵਾਈ ਦੌਰਾਨ ਇਹ ਨੁਕਤਾ ਵੀ ਸਾਹਮਣੇ ਆਇਆ ਕਿ ਇਸ ਤੋਂ ਪਹਿਲਾਂ ਕਿਸੇ ਵੀ ਵਕੀਲ ਜਾਂ ਵਿਦਵਾਨ ਨੇ ਠੋਸ ਦਲੀਲਾਂ ਤੇ ਨਿੱਗਰ ਤੱਥਾਂ ਦੇ ਹਵਾਲੇ ਨਾਲ ਸਹਿਜਧਾਰੀ ਮੁੱਦੇ ਬਾਰੇ ਆਪਣਾ ਪੱਖ ਇਸ ਤਰ੍ਹਾਂ ਪੇਸ਼ ਨਹੀਂ ਕੀਤਾ, ਜਿਸ ਗੰਭੀਰਤਾ ਤੇ ਸਹਿਜ ਨਾਲ ਗੁਰਤੇਜ ਸਿੰਘ ਪੇਸ਼ ਕਰਨ ਵਿਚ ਸਫਲ ਹੋਏ। ਪਿਛਲੀ ਸੁਣਵਾਈ ਦੌਰਾਨ ਇਕ ਕਥਾਕਾਰ ਹਰਿੰਦਰ ਸਿੰਘ ਅਲਵਰ ਨੇ ਜ਼ਬਾਨੀ ਕਲਾਮੀ ਕੁਝ ਹਵਾਲੇ ਦੇ ਕੇ ਅਦਾਲਤ ਨੂੰ ਪ੍ਰਭਾਵਿਤ ਜ਼ਰੂਰ ਕੀਤਾ ਸੀ, ਪਰ ਉਹ ਕਥਾਕਾਰ ਅੱਜ ਗ਼ੈਰ-ਹਾਜ਼ਰ ਸੀ ਤੇ ਅਦਾਲਤ ਨੇ ਇਸ ਦਾ ਨੋਟਿਸ ਵੀ ਲਿਆ। ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਦੀ ਮੇਜ਼ ਉੱਤੇ ਸਹਿਜਧਾਰੀ ਮੁੱਦੇ ਉੱਤੇ ਇੱਕ ਦਰਜਨ ਪੁਸਤਕਾਂ ਪਈਆਂ ਸਨ, ਜਦੋਂ ਕਿ ਇਕ ਵਕੀਲ ਹਰਸ਼ਿੰਦਰ ਸਿੰਘ ਅਤੇ ਪ੍ਰੋ. ਕੁਲਬੀਰ ਸਿੰਘ ਲੋੜ ਪੈਣ ਉੱਤੇ ਉਨ੍ਹਾਂ ਦੀ ਸਹਾਇਤਾ ਲਈ ਤਿਆਰ-ਬਰ-ਤਿਆਰ

ਬੈਠੇ ਸਨ। ਜਿਵੇਂ ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਵਿਦਵਤਾ ਭਰੀ ਸ਼ਰਧਾ ਦੇ ਆਧਾਰ 'ਤੇ ਵਕੀਲ ਨਾ ਹੁੰਦਿਆਂ ਹੋਇਆਂ ਵੀ ਇਕ ਸੁਲਝੇ ਵਕੀਲ ਵਾਂਗ ਕੇਸਾਂ ਦੀ ਅਹਿਮੀਅਤ ਬਾਰੇ ਆਪਣਾ ਪੱਖ ਅੱਜ ਪੇਸ਼ ਕੀਤਾ, ਉਸ ਤੋਂ ਸ਼੍ਰੋਮਣੀ ਕਮੇਟੀ, ਹੋਰ ਸਿੱਖ ਸੰਸਥਾਵਾਂ ਇਸ ਅਤਿ ਅਹਿਮ ਮੁੱਦੇ ਨੂੰ ਏਨੀ ਗੰਭੀਰਤਾ ਤੇ ਚਿੰਤਾ ਨਾਲ ਕਿਉਂ ਨਹੀਂ ਲੈ ਸਕੀਆਂ, ਇਹ ਸਵਾਲ ਦੇਰ ਤੱਕ ਭੇਦ ਬਣਿਆ ਰਹੇਗਾ। ਪਰ ਕਰੀਬ ਇੱਕ ਸਾਲ ਪਹਿਲਾਂ ਕਾਇਮ ਹੋਈ ਇੱਕ ਪਾਰਟੀ ਅਕਾਲੀ ਦਲ ਪੰਚ ਪ੍ਰਧਾਨੀ ਨੇ ਇਸ ਮੁੱਦੇ ਬਾਰੇ ਗੰਭੀਰਤਾ ਤੇ ਪਹਿਲ-ਕਦਮੀ ਵਿਖਾ ਕੇ ਯਕੀਨਨ ਸਿੱਖ ਪੰਥ ਦੇ ਜਾਗਦੇ ਹਲਕਿਆਂ ਵਿਚ ਆਪਣੀ ਥਾਂ ਰਾਖਵੀਂ ਕਰ ਲਈ ਹੈ।

(ਅੱਜ ਦੀ ਆਵਾਜ਼, 28 ਫ਼ਰਵਰੀ 2009)

**ਐਨਿਆਂ 'ਚੋਂ ਉੱਠੇ ਸੂਰਮਾ  
ਸਿੱਖ ਪਰਿਭਾਸ਼ਾ ਸੰਬੰਧੀ ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ  
ਜੱਜ ਕੀਤੇ ਲਾਜਵਾਬ**

• ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਸਿੱਖ ਪੰਥ ਲਈ ਅਕਾਲ ਪੁਰਖ ਦਾ ਆਰਡੀਨੈਂਸ  
• ਜੱਜ ਨੀਝ ਨਾਲ ਗੁਰਤੇਜ ਦੇ ਵਿਚਾਰ ਸੁਣਦੇ ਰਹੇ • ਗੁਰਤੇਜ ਨੇ  
ਪੁਰਾਤਨ ਇਤਿਹਾਸਕ ਗ੍ਰੰਥਾਂ ਤੇ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਆਧਾਰਿਤ ਸਿੱਖਾਂ  
ਦਾ ਪੱਖ ਪੇਸ਼ ਕੀਤਾ • ਸਹਿਜਧਾਰੀ ਪਰਿਭਾਸ਼ਾ ਗੰਭੀਰ ਦੌਰ 'ਚ ਦਾਖ਼ਲ

—ਪ੍ਰੋ. ਬਲਵਿੰਦਰਪਾਲ ਸਿੰਘ

ਸਹਿਜਧਾਰੀ ਮੁੱਦੇ ਬਾਰੇ 27 ਫਰਵਰੀ ਨੂੰ ਪੰਜਾਬ, ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਵਿੱਚ ਸੁਣਵਾਈ ਦੁਬਾਰਾ ਸ਼ੁਰੂ ਹੋਈ। ਇਸ ਦਿਨ ਵਕੀਲ ਆਪਣੀਆਂ ਮੰਗਾਂ ਨੂੰ ਲੈ ਕੇ ਹੜਤਾਲ ਉੱਤੇ ਸਨ, ਇਸ ਲਈ ਸੰਬੰਧਿਤ ਧਿਰਾਂ ਦੇ ਵਕੀਲ ਅਦਾਲਤ 'ਚ ਹਾਜ਼ਰ ਨਾ ਹੋਏ, ਪਰ ਅਦਾਲਤ ਨੇ ਸਿੱਖ ਚਿੰਤਕਾਂ ਦੇ ਉਪਰੋਕਤ ਮੁੱਦੇ ਸੰਬੰਧੀ ਵਿਚਾਰ ਸੁਣੇ। ਹੈਰਾਨੀ ਦੀ ਗੱਲ ਇਹ ਹੈ ਕਿ ਸਿੱਖਾਂ ਦੇ ਵੱਡੇ-ਵੱਡੇ ਵਕੀਲ ਹਰਵਿੰਦਰ ਸਿੰਘ ਫੂਲਕਾ ਅਤੇ ਟੀ.ਐੱਸ. ਤੁਲਸੀ ਜੱਜਾਂ ਦੇ ਸਾਹਮਣੇ 10 ਮਿੰਟ ਵੀ ਨਾ ਕੱਢ ਸਕੇ, ਪਰ ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੂੰ ਢਾਈ ਘੰਟੇ ਸੁਣਦੇ ਰਹੇ ਅਤੇ ਇੱਥੋਂ ਤੱਕ ਟੋਕਣ ਦੀ ਵੀ ਕੋਸ਼ਿਸ਼ ਨਹੀਂ ਕੀਤੀ।

ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਆਈ.ਏ.ਐਸ. ਨੇ ਖ਼ਾਲਸਾ ਪੰਥ ਦੀ ਪ੍ਰਤੀਨਿਧਤਾ ਕਰਦਿਆਂ ਇਤਿਹਾਸਕ ਗ੍ਰੰਥਾਂ ਸਮੇਤ ਆਪਣਾ ਲਿਖਤੀ ਪੱਖ ਅਦਾਲਤ ਸਾਹਮਣੇ ਪੇਸ਼ ਕੀਤਾ। ਹਾਈ ਕੋਰਟ 'ਚ ਸਿੰਘ ਗੁੰਜਾਰ ਦੀ ਝਲਕ ਦਿਖਾਉਂਦਿਆਂ ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ, ਸਿੱਖ ਇਤਿਹਾਸ, ਸਮਕਾਲੀ ਸਿੱਖ ਸੋਮਿਆਂ ਅਤੇ ਗ਼ੈਰ-ਸਿੱਖ ਸਮਕਾਲੀ ਪੁਸਤਕਾਂ ਵਿੱਚੋਂ ਠੋਸ ਹਵਾਲੇ ਦੇ ਕੇ ਇਹ ਸਿੱਧ ਕੀਤਾ ਕਿ ਦਸ ਗੁਰੂ ਸਾਹਿਬਾਨ ਕੇਸਾਧਾਰੀ ਸਨ। ਉਨ੍ਹਾਂ ਨੇ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਤੇ ਭਾਈ ਗੁਰਦਾਸ ਦੀ ਰਚਨਾ ਵਿੱਚੋਂ ਸਿੱਖਾਂ ਲਈ ਕੇਸਾਂ ਦੀ ਅਹਿਮੀਅਤ ਬਾਰੇ ਅਨੇਕਾਂ ਉਦਾਹਰਣਾਂ ਪੇਸ਼ ਕੀਤੀਆਂ। ਜਸਟਿਸ ਖੇਰ ਅਤੇ ਜਸਟਿਸ ਜਸਬੀਰ ਸਿੰਘ ਨੂੰ ਆਪਣੇ 56 ਪੰਨਿਆਂ ਦਾ ਬੀਸਿਸ ਪੇਸ਼ ਕਰਦਿਆਂ ਉਨ੍ਹਾਂ ਨੇ ਕਿਹਾ ਕਿ ਅਨੰਦਪੁਰ ਸਾਹਿਬ ਉਹ ਇਤਿਹਾਸਕ ਸਥਾਨ ਹੈ, ਜਿੱਥੇ ਦਸਮ ਪਾਤਸ਼ਾਹ ਗੁਰੂ ਗੋਬਿੰਦ ਸਿੰਘ ਜੀ ਨੇ ਖ਼ਾਲਸਾ ਪੰਥ ਨੂੰ ਅੰਮ੍ਰਿਤ ਛਕਾ ਕੇ ਰਹਿਤ ਮਰਿਆਦਾ ਦੀ ਸਿਰਜਣਾ ਕੀਤੀ ਸੀ ਤੇ ਉਸ ਤੋਂ ਪਿੱਛੋਂ ਇਸ ਥਾਂ ਨੂੰ “ਕੇਸਗੜ੍ਹ ਸਾਹਿਬ” ਕਿਹਾ ਜਾਂਦਾ ਹੈ। ਜੱਜਾਂ ਨੇ ਸੁਆਲ

ਕੀਤਾ ਕਿ ਇਸ ਕੇਸ ਨੂੰ ਧਾਰਮਿਕ ਕਿਉਂ ਬਣਾਇਆ ਜਾ ਰਿਹਾ ਹੈ। ਜੁਆਬ ਵਿੱਚ ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਕਿਹਾ ਕਿ ਇਹ ਮਸਲਾ ਕਾਨੂੰਨੀ ਨਹੀਂ, ਸਿੱਖ ਧਰਮ ਤੇ ਇਤਿਹਾਸ ਨਾਲ ਸੰਬੰਧਿਤ ਹੈ। ਇਸ ਪਹੁੰਚ ਨੂੰ ਅਪਣਾਏ ਬਿਨਾਂ ਅਸੀਂ ਕਿਸੇ ਵੀ ਸਿੱਟੇ 'ਤੇ ਨਹੀਂ ਪਹੁੰਚ ਸਕਦੇ। ਇਸ ਤੋਂ ਬਿਨਾਂ ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਕਿਹਾ ਕਿ ਸਿੱਖ ਆਪਣੀ ਅਰਦਾਸ ਵਿੱਚ ਹਰ ਰੋਜ਼ ਅਕਾਲ ਪੁਰਖ ਤੋਂ ਸਿੱਖਾਂ ਲਈ “ਕੇਸ ਦਾਨ” ਦੀ ਮੰਗ ਕਰਦੇ ਹਨ। ਜਦੋਂ ਜੱਜ ਸਾਹਿਬ ਨੇ ਪੁੱਛਿਆ ਕਿ ਕੀ ਅਰਦਾਸ ਇੱਕ ਕਰਮ-ਕਾਂਡ ਹੈ ਤਾਂ ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਕਿਹਾ ਕਿ ਇਹ ਕਰਮ-ਕਾਂਡ ਨਹੀਂ, ਇਹ ਸਿੱਖ ਦੇ ਜੀਵਨ ਅਮਲ ਦਾ ਅਹਿਮ ਤੇ ਉਸਾਰੂ ਸੋਮਾ ਹੈ, ਜਿਸ ਤੋਂ ਸਿੱਖ ਆਪਣੇ ਬੀਤੇ ਇਤਿਹਾਸ ਤੋਂ ਸੋਧ ਲੈਂਦਾ ਹੈ, ਗੁਰੂ ਦੀ ਦਰਸਾਈ ਸਿੱਖਿਆ ਅਨੁਸਾਰ ਚੱਲਦਾ ਹੈ ਤੇ ਆਪਣੇ ਜੀਵਨ ਨੂੰ ਕੇਸਾਂ ਸਹਿਤ ਨਿਭਾਉਣ ਦਾ ਪ੍ਰਣ ਕਰਦਾ ਹੈ।

ਪ੍ਰੋਫੈਸਰ ਆਫ਼ ਸਿੱਖਿਜ਼ਮ ਸ. ਗੁਰਤੇਜ ਨੇ ਕੇਸਾਂ ਦੀ ਮਹੱਤਤਾ ਬਾਰੇ ਆਪਣੇ ਤਰਕ ਨੂੰ ਜਾਰੀ ਰੱਖਦਿਆਂ ਕਿਹਾ ਕਿ ਦਸਮ ਪਾਤਸ਼ਾਹ ਨੂੰ ਕੇਸਾਂ ਤੋਂ ਬਿਨਾਂ ਕੋਈ ਵੀ ਸਿੱਖ ਸਵੀਕਾਰ ਨਹੀਂ ਹੋ ਸਕਦਾ। ਕੇਸ ਗੁਰੂ ਦੀ ਮੋਹਰ ਹਨ ਤੇ ਇਸ ਤੋਂ ਬਿਨਾਂ ਕੋਈ ਗੁਰੂ ਦਾ ਸਿੱਖ ਸਦਵਾਉਣ ਦਾ ਦਾਅਵਾ ਨਹੀਂ ਕਰ ਸਕਦਾ। ਇਸ ਧਾਰਨਾ ਪਿੱਛੇ ਨੂੰ ਗੁਰੂ ਸਾਹਿਬਾਨ ਦੀ ਵਿਚਾਰਧਾਰਾ ਕਾਰਜਸ਼ੀਲ ਹੈ, ਜਿਸ ਦੀ ਗਵਾਹੀ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਵਿੱਚ ਮੌਜੂਦ ਹੈ ਅਤੇ ਜਿਸ ਨੂੰ ਗੁਰੂ ਖ਼ਾਲਸਾ ਪੰਥ ਨੇ ਕੇਸਾਂ ਨਾਲ ਸਿੱਖੀ ਨਿਭਾ ਕੇ ਇਤਿਹਾਸ ਵਿੱਚ ਪੇਸ਼ ਕੀਤਾ ਹੈ।

ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਆਪਣੀ ਗੱਲ ਨੂੰ ਹੋਰ ਸਪੱਸ਼ਟ ਕਰਦਿਆਂ ਕਿਹਾ ਕਿ ਗੁਰੂ ਸਾਹਿਬਾਨ ਦੀ ਵਿਚਾਰਧਾਰਾ ਸਰਬੱਤ ਦੇ ਭਲੇ ਲਈ ਹੈ ਅਤੇ ਇਸ ਸਿਧਾਂਤ ਨੂੰ ਬਾਕਾਇਦਾ ਅਕਾਲ ਪੁਰਖ ਦੀ ਪ੍ਰਵਾਨਗੀ ਹਾਸਲ ਹੈ। ਉਨ੍ਹਾਂ ਕਿਹਾ ਕਿ ਇਸੇ ਲਈ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਨੂੰ “ਪੁਰ ਕੀ ਬਾਣੀ” ਆਖਿਆ ਜਾਂਦਾ ਹੈ। ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਅਸਲ ਵਿੱਚ ਅਕਾਲ ਪੁਰਖ ਵੱਲੋਂ ਜਾਰੀ ਕੀਤਾ ਆਰਡੀਨੈਂਸ ਹੈ। ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਇਸ ਤੋਂ ਬਾਅਦ ਆਪਣੀ ਗੱਲ ਨੂੰ ਹੋਰ ਸਪੱਸ਼ਟ ਕਰਨ ਲਈ 46 ਇਤਿਹਾਸਕ ਹਵਾਲੇ ਸਬੂਤ ਵਜੋਂ ਪੇਸ਼ ਕੀਤੇ। ਇਨ੍ਹਾਂ ਵਿੱਚ ਗੁਰੂ ਗੋਬਿੰਦ ਸਿੰਘ ਦੇ ਅਕਾਲ ਚਲਾਣੇ ਦੇ ਤਿੰਨ ਸਾਲ ਪਿੱਛੋਂ 1711 ਈ: ਵਿੱਚ ਲਿਖੀ ਸੈਨਾਪਤਿ ਕਵੀ ਦੀ ਇਤਿਹਾਸਕ ਰਚਨਾ *ਸ੍ਰੀ ਗੁਰ ਸੋਭਾ* ਦਾ ਜ਼ਿਕਰ ਕੀਤਾ, ਜੋ ਕੇਸ ਲਾਜ਼ਮੀ ਰੱਖਣ ਬਾਰੇ ਪ੍ਰਮਾਣਿਕ ਪੁਸਤਕ ਹੈ।

ਕਰੀਬ ਢਾਈ ਘੰਟੇ ਦੀ ਸੁਣਵਾਈ ਦੌਰਾਨ ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਇਹ ਵੀ ਸਪੱਸ਼ਟ ਕੀਤਾ ਕਿ ਗੁਰੂ ਨੂੰ ਬਾਹਰੀ ਸਰੂਪ ਕੇਸਾਧਾਰੀ ਵਾਲਾ ਸਰੂਪ ਹੀ ਪ੍ਰਵਾਨ ਹੈ। ਜਿਹੜੇ ਇਸ ਕਸੌਟੀ 'ਤੇ ਪੂਰੇ ਨਹੀਂ, ਉਹ ਕੱਚੇ ਪਿੱਲੇ ਸਿੱਖ ਹਨ, ਪਰ ਉਨ੍ਹਾਂ ਨੂੰ ਪ੍ਰਚਾਰ ਰਾਹੀਂ ਸਿੱਖੀ 'ਚ ਸ਼ਾਮਲ ਕੀਤਾ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਇਨ੍ਹਾਂ ਸਿੱਖਾਂ ਨੂੰ ਗੁਰੂ ਨੂੰ ਬੇਦਾਵਾ ਦੇਣ ਵਾਲੇ ਸਿੱਖ ਕਿਹਾ ਜਾ ਸਕਦਾ ਹੈ। ਇਨ੍ਹਾਂ ਸਿੱਖਾਂ ਨੂੰ ਇਹ ਹੱਕ ਹਾਸਲ ਨਹੀਂ ਕਿ ਉਹ ਗੁਰੂ ਦੀ ਪਰਿਭਾਸ਼ਾ ਨਾਲ ਕੋਈ ਫੇੜ-ਛਾੜ ਕਰਨ ਜਾਂ ਇਸ ਵਿੱਚ ਸੋਧ ਕਰਨ ਦੀ ਕੋਸ਼ਿਸ਼ ਕਰਨ ਜਾਂ ਆਪਣਾ ਨਿੱਜੀ ਨਜ਼ਰੀਆ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਤੇ ਗੁਰੂ ਪੰਥ ਉੱਤੇ ਥੋਪਣ ਦੀ ਕੋਸ਼ਿਸ਼ ਕਰਨ। ਉਨ੍ਹਾਂ ਕਿਹਾ ਕਿ ਜਿਹੜੇ ਲੋਕ ਰਹਿਤ ਮਰਿਆਦਾ 'ਚ ਵਿੱਲੇ ਮੱਠੇ ਹਨ ਜਾਂ ਪਤਿਤ ਹਨ, ਉਹ ਸਿੱਖ ਪੰਥ ਦਾ ਹੀ ਹਿੱਸਾ ਰਹਿਣਗੇ। ਪੰਥ ਨੂੰ ਚਾਹੀਦਾ ਹੈ ਕਿ ਉਨ੍ਹਾਂ ਨੂੰ ਆਪਣੇ 'ਚ ਸੁਧਾਰ ਦੇ ਮੌਕੇ ਦੇਵੇ। ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਆਪਣੀ ਬਹਿਸ ਨੂੰ ਆਖਰੀ ਛੋਹ ਦਿੰਦਿਆਂ ਕਿਹਾ ਕਿ ਗੁਰਦੁਆਰਿਆਂ ਦੇ ਪ੍ਰਬੰਧ ਲਈ ਕਾਇਮ ਕੀਤਾ ਕੋਈ ਬੋਰਡ ਜਾਂ ਵਿਧਾਨਪਾਲਿਕਾ

ਜਾਂ ਨਿਆਂਪਾਲਿਕਾ ਨੂੰ ਵੀ ਸਿੱਖ ਪਰਿਭਾਸ਼ਾ ਨੂੰ ਬਦਲਣ ਜਾਂ ਛੇੜ-ਛਾੜ ਕਰਨ ਦਾ ਕੋਈ ਅਧਿਕਾਰ ਨਹੀਂ, ਕਿਉਂਕਿ ਇਹ ਮਸਲੇ ਉਨ੍ਹਾਂ ਦੇ 'ਅਧਿਕਾਰ ਖੇਤਰ' ਵਿੱਚ ਨਹੀਂ ਆਉਂਦੇ। ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਦੇ ਆਖਰੀ ਪਹਿਰੇ ਦੇ ਪ੍ਰਸੰਗ ਵਿੱਚ ਮਾਣਯੋਗ ਜੱਜਾਂ ਨੇ ਪਤਿਤ ਸਿੱਖ ਅਤੇ ਅੰਮ੍ਰਿਤਧਾਰੀ ਸਿੱਖ ਬਾਰੇ ਉੱਠਣ ਵਾਲੇ ਕਈ ਨੁਕਤਿਆਂ ਬਾਰੇ ਸਪੱਸ਼ਟੀਕਰਨ ਮੰਗਿਆ। ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਇਤਿਹਾਸਕ ਹਵਾਲਿਆਂ ਤੇ ਦਸਤਾਵੇਜ਼ਾਂ ਰਾਹੀਂ ਅਦਾਲਤ ਦੀ ਤਸੱਲੀ ਕਰਵਾਈ। ਅਦਾਲਤ ਨੇ ਸਹਿਜਧਾਰੀ ਸਿੱਖ ਫ਼ੈਡਰੇਸ਼ਨ ਦੇ ਡਾ. ਪਰਮਜੀਤ ਸਿੰਘ ਰਾਣੂ ਨੂੰ ਵੀ ਆਪਣਾ ਪੱਖ ਪੇਸ਼ ਕਰਨ ਦਾ ਮੌਕਾ ਦਿੱਤਾ, ਉੱਧਰ ਡਾ. ਪਰਮਜੀਤ ਸਿੰਘ ਰਾਣੂ ਨੇ ਕਿਹਾ ਕਿ ਸਿੱਖ ਤਾਂ ਪਹਿਲਾਂ ਹੀ ਘੱਟ-ਗਿਣਤੀਆਂ 'ਚ ਹਨ ਤੇ ਉਨ੍ਹਾਂ 'ਚ ਵੀ ਵਰਗੀਕਰਨ ਕਰਨਾ ਧਰਮ ਦੇ ਪੱਖ ਤੋਂ ਉਚਿਤ ਨਹੀਂ। ਯਾਦ ਰਹੇ ਕਿ ਜਦੋਂ ਡਾ. ਰਾਣੂ ਇਹ ਦਲੀਲ ਦੇ ਰਹੇ ਸਨ ਤਾਂ ਜੱਜਾਂ ਨੇ ਉਨ੍ਹਾਂ ਨੂੰ ਕਿਹਾ ਕਿ ਉਹ ਆਪਣਾ ਪੱਖ ਵਕੀਲ ਰਾਹੀਂ ਰੱਖਣ। ਕੋਈ ਵੀ ਵਿਅਕਤੀ ਅਦਾਲਤ ਨੂੰ ਆਪਣੀ ਨਿੱਜੀ ਰਾਏ ਦੱਸਣ ਦਾ ਯਤਨ ਨਾ ਕਰੇ। ਅਦਾਲਤ ਕੇਵਲ ਉਨ੍ਹਾਂ ਹਵਾਲਿਆਂ ਨੂੰ ਹੀ ਤਰਜੀਹ ਦੇਵੇਗੀ, ਜੋ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ, ਸਿੱਖ ਇਤਿਹਾਸ ਅਤੇ ਹੋਰ ਇਤਿਹਾਸਕ ਰਚਨਾਵਾਂ ਵਿੱਚ ਪੇਸ਼ ਕੀਤੇ ਜਾਣਗੇ। ਮਾਣਯੋਗ ਜੱਜ ਨੇ ਸੁਣਵਾਈ ਦੀ ਅਗਲੀ ਤਾਰੀਖ 6 ਮਾਰਚ ਰੱਖੀ ਹੈ, ਜਿਸ ਵਿੱਚ ਸੀਨੀਅਰ ਐਡਵੋਕੇਟ ਡਾ. ਐਮ.ਐਸ. ਰਾਹੀਂ, ਦਿੱਲੀ ਗੁਰਦੁਆਰਾ ਕਮੇਟੀ ਦੇ ਵਕੀਲ ਕੇ.ਟੀ.ਐਸ. ਤੁਲਸੀ ਅਤੇ ਹੋਰਨਾਂ ਦਾ ਪੱਖ ਸੁਣਿਆ ਜਾਵੇਗਾ। ਇਸ ਇਤਿਹਾਸਕ ਸੁਣਵਾਈ ਦੌਰਾਨ ਇਹ ਗੱਲ ਸਾਹਮਣੇ ਆਈ ਹੈ ਕਿ ਹੁਣ ਤੱਕ ਕੋਈ ਵੀ ਵਕੀਲ ਜਾਂ ਵਿਦਵਾਨ ਗੁਰਤੇਜ ਸਿੰਘ ਵਾਂਗ ਅਦਾਲਤ ਨੂੰ ਆਪਣੀ ਦਲੀਲਾਂ ਰਾਹੀਂ ਪ੍ਰਭਾਵਿਤ ਨਹੀਂ ਕਰ ਸਕਿਆ। ਇਸ ਦੌਰਾਨ ਸ. ਗੁਰਤੇਜ ਸਿੰਘ ਦੀ ਮੇਜ਼ ਉੱਤੇ ਇੱਕ ਦਰਜਨ ਪੁਸਤਕਾਂ ਪਈਆਂ ਸਨ, ਜਦੋਂ ਕਿ ਇੱਕ ਵਕੀਲ ਹਰਸ਼ਿੰਦਰ ਸਿੰਘ ਅਤੇ ਪ੍ਰੋ. ਕੁਲਬੀਰ ਸਿੰਘ ਲੋੜ ਪੈਣ ਉੱਤੇ ਉਨ੍ਹਾਂ ਦੀ ਸਹਾਇਤਾ ਕਰ ਰਹੇ ਸਨ। ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਵਿਦਵਤਾ ਨਾਲ ਵਕੀਲ ਨਾ ਹੁੰਦਿਆਂ ਹੋਇਆਂ ਵੀ ਇੱਕ ਸੁਲਝੇ ਵਕੀਲ ਵਾਂਗ ਕੇਸਾਂ ਦੀ ਅਹਿਮੀਅਤ ਬਾਰੇ ਆਪਣਾ ਪੱਖ ਪੇਸ਼ ਕੀਤਾ, ਉਸ ਤੋਂ ਇਹ ਸਵਾਲ ਉੱਭਰਦਾ ਹੈ ਕਿ ਸ਼੍ਰੋਮਣੀ ਕਮੇਟੀ, ਹੋਰ ਸਿੱਖ ਸੰਸਥਾਵਾਂ ਇਸ ਅਤਿ ਅਹਿਮ ਮੁੱਦੇ ਨੂੰ ਏਨੀ ਗੰਭੀਰਤਾ ਨਾਲ ਕਿਉਂ ਨਹੀਂ ਲੈ ਰਹੀਆਂ। ਆਖਰ ਵਿੱਚ ਇਤਿਹਾਸਕਾਰ ਗੁਰਤੇਜ ਸਿੰਘ ਨੂੰ ਵਧਾਈ ਦੇਣੀ ਬਣਦੀ ਹੈ ਕਿ ਉਨ੍ਹਾਂ ਨੇ ਇਸ ਮੁੱਦੇ ਬਾਰੇ ਗੰਭੀਰਤਾ ਤੇ ਪਹਿਲ-ਕਦਮੀਂ ਵਿਖਾ ਕੇ ਖ਼ਾਲਸਾ ਪੰਥ ਦੀ ਲਾਜ ਰੱਖੀ ਹੈ ਅਤੇ ਦਸਮ ਪਾਤਸ਼ਾਹ ਦੇ ਲਾਡਲੇ ਸਪੂਤ ਹੋਣ ਵਜੋਂ ਕੌਲ ਪਾਲਿਆ ਹੈ।

ਪਰ ਇਹ ਕਿੰਨੀ ਹੈਰਾਨੀ ਵਾਲੀ ਗੱਲ ਹੈ ਕਿ ਸੰਸਾਰ ਦੀ ਪਹਿਲੀ ਅਦਾਲਤ ਹਾਈਕੋਰਟ ਹੈ, ਜਿਸ ਵਿੱਚ ਸਿੱਖ ਪਰਿਭਾਸ਼ਾ ਬਾਰੇ ਚਰਚਾ ਹੋਣੀ ਹੈ, ਜਦ ਕਿ ਇਹ ਅਦਾਲਤ ਦੇ ਅਧਿਕਾਰ ਖੇਤਰ ਵਿੱਚ ਆਉਂਦੀ ਹੀ ਨਹੀਂ। ਜੱਜ ਸਾਹਿਬਾਨ ਕੀ ਸੋਚ ਕੇ ਅਜਿਹੇ ਸੰਵੇਦਨਸ਼ੀਲ ਮੁੱਦੇ ਵਿਚਾਰ ਅਧੀਨ ਲਿਆਉਣਾ ਸਵੀਕਾਰ ਕਰ ਰਹੇ ਹਨ, ਜਿਸ ਨਾਲ ਸਿੱਖ ਭਾਈਚਾਰੇ ਦੀਆਂ ਭਾਵਨਾਵਾਂ ਜ਼ਖ਼ਮੀ ਹੋ ਰਹੀਆਂ ਹਨ। ਕੀ ਕਿਸੇ ਸਰਕਾਰ, ਅਦਾਲਤ ਜਾਂ ਸੰਸਥਾ ਨੂੰ ਕੋਈ ਅਧਿਕਾਰ ਹੈ ਕਿ ਉਹ ਕਿਸੇ ਧਰਮ ਦੀ ਪਰਿਭਾਸ਼ਾ ਨਿਸ਼ਚਿਤ ਕਰੇ ਜਾਂ ਉਸ ਦੇ ਸੰਬੰਧ ਵਿੱਚ ਕੋਈ ਨਿਰਣਾ ਦੇਵੇ, ਪਰ ਇਸ ਬਾਰੇ ਵੀ ਅਕਾਲ ਤਖ਼ਤ ਸਾਹਿਬ ਤੇ ਸ਼੍ਰੋਮਣੀ ਕਮੇਟੀ ਚੁੱਪ ਕਿਉਂ ਹੈ? [ਪੰਜਾਬ ਟਾਈਮਜ਼ (ਯੂ. ਕੇ.), 12 ਮਾਰਚ, 2009]



## ‘ਸਿੰਘਾ ਜਾਗ ਬਈ ! ਹੁਣ ਜਾਗੋ ਆਈ ਐ’ ਗੁਰਤੇਜ ਵਰਗੇ ਵਿਦਵਾਨ ਪੈਦਾ ਕਰਨ ਦੀ ਲੋੜ

ਪੰਥ ਦੀਆਂ ਮਹਾਨ ਸੰਸਥਾਵਾਂ ਸ਼੍ਰੋਮਣੀ ਅਕਾਲੀ ਦਲ ਤੇ ਸ੍ਰੀ ਅਕਾਲ ਤਖ਼ਤ ਸਾਹਿਬ ਕਿੱਥੇ ਸਿਆਸਤ ਦੀ ਭੇਟ ਚੜ੍ਹ ਚੁੱਕੇ ਹਨ, ਇਸ ਤੋਂ ਜਾਗ੍ਰਿਤੀ ਦੀ ਉਮੀਦ ਨਹੀਂ ਰੱਖੀ ਜਾ ਸਕਦੀ। ਅਜਿਹਾ ਤਾਂ ਹੀ ਹੋਇਆ ਹੈ ਕਿ ਪੰਥ ਵੱਲੋਂ ਸਿੱਖ ਵਿਦਵਾਨਾਂ ਦੀ ਕਦਰ ਹੀ ਨਹੀਂ ਕੀਤੀ ਗਈ, ਜੋ ਸਿਰ ਤਲੀ 'ਤੇ ਧਰ ਕੇ ਪੰਥ ਵਿਰੋਧੀਆਂ ਵਿਰੁੱਧ ਜੂਝ ਰਹੇ ਸਨ। ਇਸੇ ਕਰਕੇ ਜੂਨ '84 ਦੇ ਘੱਲੂਘਾਰੇ ਤੋਂ ਬਾਅਦ ਸਿੱਖ ਵਿਦਵਤਾ ਉੱਸਰ ਹੀ ਨਹੀਂ ਸਕੀ। ਨਤੀਜੇ ਵਜੋਂ ਕੌਮ ਦੇ ਸੰਘਰਸ਼ ਨੂੰ ਸਹੀ ਸੇਧ ਨਹੀਂ ਮਿਲ ਸਕੀ ਅਤੇ ਏਨੀਆਂ ਕੁਰਬਾਨੀਆਂ ਦੇਣ ਦੇ ਬਾਵਜੂਦ ਅਸੀਂ ਧਰਮ ਯੁੱਧ ਹਾਰ ਗਏ। ਪੰਥ ਵਿਰੋਧੀ ਡੇਰੇਦਾਰ ਅਤੇ ਆਰ.ਐੱਸ.ਐੱਸ. ਵਰਗੀਆਂ ਪੰਥ ਵਿਰੋਧੀਆਂ ਜਮਾਤਾਂ ਸਿੱਖ ਕੌਮ ਨੂੰ ਖ਼ੁਆਰ ਕਰਨ ਲੱਗੀਆਂ। ਅੱਜ ਹਾਲਤ ਇਹ ਹੈ ਕਿ ਬੜੀ ਸਾਜ਼ਿਸ਼ ਨਾਲ ਸਿੱਖ ਪਰਿਭਾਸ਼ਾ 'ਤੇ ਹੀ ਅਦਾਲਤ ਰਾਹੀਂ ਕਿੰਤੂ ਕੀਤਾ ਜਾਣ ਲੱਗਾ ਹੈ। ਇਸ ਮਸਲੇ ਨੂੰ ਨਾ ਹੀ ਸ੍ਰੀ ਅਕਾਲ ਤਖ਼ਤ ਸਾਹਿਬ ਦੇ ਜਥੇਦਾਰ ਨੇ ਸੇਧ ਦਿੱਤੀ ਹੈ ਤੇ ਨਾ ਹੀ ਸ਼੍ਰੋਮਣੀ ਕਮੇਟੀ ਵੱਲੋਂ ਅਗਵਾਈ ਮਿਲੀ ਹੈ। ਸ਼ਰਮਨਾਕ ਗੱਲ ਇਹ ਹੈ ਕਿ ਸਿੱਖ ਪਰਿਭਾਸ਼ਾ ਦਾ ਹਾਈਕੋਰਟ ਵਿੱਚ ਪੱਖ ਪੇਸ਼ ਕਰਨ ਲਈ ਸ਼੍ਰੋਮਣੀ ਕਮੇਟੀ ਨੂੰ ਵਕੀਲ ਵੀ ਪਤਿਤ ਮਿਲਿਆ ਹੈ। ਫਿਰ ਸਿੱਖ ਕੌਮ ਦੀ ਪਰਿਭਾਸ਼ਾ ਦਾ ਕੇਸ ਕਿਵੇਂ ਸਿੱਖ ਕੌਮ ਦੇ ਹੱਕ 'ਚ ਨਿਬੜ ਸਕਦਾ ਹੈ। ਇਸ ਗੰਭੀਰ ਮੌਕੇ ਅਕਾਲੀ ਸਿਆਸਤਦਾਨਾਂ ਦੀਆਂ ਕਰਤੂਤਾਂ ਕਰਕੇ ਤੇ ਪੰਥ ਵੱਲੋਂ ਪ੍ਰਵਾਹ ਨਾ ਕੀਤੇ ਜਾਣ ਕਰਕੇ ਕਈ ਸਾਲਾਂ ਤੋਂ ਘਰ 'ਚ ਉਦਾਸ ਬੈਠੇ ਮਹਾਨ ਵਿਦਵਾਨ ਗੁਰਤੇਜ ਸਿੰਘ ਦੀ ਆਤਮਾ ਸੱਚੇ ਪਾਤਸ਼ਾਹ ਕਲਗੀਆਂ ਵਾਲੇ ਨੇ ਜਗਾਈ ਕਿ ਗੁਰਤੇਜ ਸਿੰਘਾਂ ਤੂੰ ਹੁਣ ਪੰਥ ਦੀ ਆਨ, ਸ਼ਾਨ ਅਤੇ ਬਾਨ ਬਚਾ ਤੇ ਇਹ ਵਿਦਵਤਾ ਪੰਥ ਦੇ ਲੇਖੇ ਲਗਾ। ਜਿਸ ਤਰ੍ਹਾਂ ਗੁਰਤੇਜ ਸਿੰਘ ਨੇ ਹਾਈ ਕੋਰਟ 'ਚ ਸਿੱਖ ਪਰਿਭਾਸ਼ਾ ਬਾਰੇ ਸਿੰਘ ਗੁੰਜਾਰ ਪਾਈ ਹੈ ਅਤੇ ਹਾਈਕੋਰਟ ਦੇ ਜੱਜਾਂ ਨੂੰ ਕੁੱਝ ਸੋਚਣ ਲਈ ਮਜਬੂਰ ਕਰ ਦਿੱਤਾ, ਉਸ ਬਾਰੇ ਸਮੁੱਚੇ ਪੰਥ ਨੂੰ ਚਾਹੀਦਾ ਹੈ ਕਿ ਉਹ ਗੁਰਤੇਜ ਸਿੰਘ ਨੂੰ ਵਧਾਈ ਦੇਣ। ਲੋੜ ਇਸ ਗੱਲ ਦੀ ਹੈ ਕਿ ਪ੍ਰਵਾਸੀ ਸਿੱਖ ਭਾਈਚਾਰਾ ਪੰਥਕ ਮਸਲਿਆਂ ਬਾਰੇ ਇਹੋ ਜਿਹੇ ਵਿਦਵਾਨਾਂ ਦੀ ਟੀਮ ਬਣਾਏ, ਤਾਂ ਜੋ ਪੰਥਕ ਲਹਿਰ ਉੱਭਰ ਸਕੇ ਅਤੇ ਸਿਆਸਤਦਾਨਾਂ ਦੇ ਕਲਾਵੇ ਸਿੱਖ ਅਜ਼ਾਦ ਹੋ ਸਕਣ। ਸਮੂਹ ਸੰਗਤਾਂ ਨੂੰ ਯਾਦ ਰੱਖਣਾ ਚਾਹੀਦਾ ਹੈ ਕਿ ਜਿਨ੍ਹਾਂ ਕੌਮਾਂ ਕੋਲ ਗਿਆਨ ਨਹੀਂ ਹੁੰਦਾ, ਈਮਾਨਦਾਰ ਚਿੰਤਕ ਨਹੀਂ ਹੁੰਦੇ, ਉਹ ਹਮੇਸ਼ਾ ਸੰਕਟ 'ਚ ਹੀ ਫਸੀਆਂ ਰਹਿੰਦੀਆਂ ਹਨ ਤੇ ਉਨ੍ਹਾਂ ਦਾ ਅੰਤ ਵੀ ਹੋ ਜਾਂਦਾ ਹੈ। ਅਸੀਂ ਇਸ ਸੁਆਲ ਨਾਲ ਰੂ-ਬ-ਰੂ ਹਾਂ ਕਿ ਅਸੀਂ ਗਿਆਨ ਅਤੇ ਵਿਦਵਤਾ ਨਾਲ ਇਨ੍ਹਾਂ ਸੰਕਟਾਂ ਦਾ ਮੁਕਾਬਲਾ ਕਰ ਕੇ ਪੰਥ ਦੀ ਹੋਂਦ ਬਰਕਰਾਰ ਰੱਖਣੀ ਹੈ ਜਾਂ ਆਪਣੀ ਕੌਮ ਦੀ ਹੋਂਦ ਨੂੰ ਮਿਟਾਉਣਾ ਹੈ ਜਾਂ ਹਮੇਸ਼ਾ ਹੀ ਗਿਣਨ-ਹੀਣਤਾ ਦੀ ਗੁਲਾਮੀ ਨੂੰ ਗਲ 'ਚ ਪਾਈ ਰੱਖਣਾ ਹੈ।

(ਪੰਜਾਬ ਟਾਈਮਜ਼ (ਯੂ.ਕੇ.), 12 ਮਾਰਚ, 2009)

## ਹਾਈਕੋਰਟ ਦੇ ਜੱਜ ਸਿਰਫ਼ ਸਿੱਖ ਅਰਦਾਸ ਬਾਰੇ ਹੀ ਗਿਆਨ ਹਾਸਲ ਕਰ ਲੈਣ ਤਾਂ ਪਤਾ ਲੱਗ ਜਾਵੇ ਕਿ ਸਿੱਖ ਪਰਿਭਾਸ਼ਾ ਕੀ ਹੈ?

ਪੰਜਾਬ ਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਵਿੱਚ 'ਸਿੱਖ ਦੀ ਪਰਿਭਾਸ਼ਾ' ਨੂੰ ਲੈ ਕੇ ਜੋ ਚਰਚਾ ਹੋਈ, ਉਸ ਨੂੰ ਵੇਖ-ਸੁਣ ਕੇ ਹਰ ਪਾਸੇ ਹੈਰਾਨੀ ਪ੍ਰਗਟ ਕੀਤੀ ਜਾ ਰਹੀ ਹੈ। ਇਸ ਦਾ ਕਾਰਨ ਇੱਕ ਤਾਂ ਇਹ ਹੈ ਕਿ ਸੰਸਾਰ ਦੇ ਇਤਿਹਾਸ ਵਿੱਚ ਸ਼ਾਇਦ ਇਹ ਪਹਿਲੀ ਵਾਰ ਹੋਇਆ ਹੈ ਕਿ ਕਿਸੇ ਧਰਮ ਦੀ ਪਰਿਭਾਸ਼ਾ ਨੂੰ ਲੈ ਕੇ ਕਿਸੇ ਅਦਾਲਤ ਵਿੱਚ ਚਰਚਾ ਹੋਈ ਹੋਵੇ। ਦੂਜਾ ਕਾਰਨ ਇਹ ਹੈ ਕਿ ਵਿਦਵਾਨ ਜੱਜਾਂ ਨੇ ਕੀ ਸੋਚ ਕੇ ਇੱਕ ਅਜਿਹੇ ਗੰਭੀਰ ਅਤੇ ਇੱਕ ਭਾਈਚਾਰੇ ਦੀਆਂ ਧਾਰਮਿਕ ਭਾਵਨਾਵਾਂ ਨਾਲ ਸੰਬੰਧਿਤ ਸੰਵੇਦਨਸ਼ੀਲ ਮੁੱਦੇ ਨੂੰ ਵਿਚਾਰ-ਅਧੀਨ ਲਿਆਉਣਾ ਸਵੀਕਾਰ ਕਰ ਲਿਆ। ਸੰਸਾਰ ਭਰ ਵਿੱਚ ਕਿਸੇ ਸਰਕਾਰ, ਅਦਾਲਤ ਜਾਂ ਸੰਸਥਾ ਨੂੰ ਕੋਈ ਅਧਿਕਾਰ ਹੈ ਕਿ ਉਹ ਕਿਸੇ ਧਰਮ ਦੀ ਪਰਿਭਾਸ਼ਾ ਨਿਸ਼ਚਿਤ ਕਰੇ ਜਾਂ ਉਸ ਦੇ ਸੰਬੰਧ ਵਿੱਚ ਕੋਈ ਨਿਰਣਾ ਦੇਵੇ! ਜੇ ਸਿੱਖ ਇਤਿਹਾਸ ਨੂੰ ਗੁਰੂ ਨਾਲ ਵਾਚਿਆ ਜਾਵੇ ਤਾਂ ਇਹ ਗੱਲ ਸਪੱਸ਼ਟ ਹੋ ਜਾਂਦੀ ਹੈ ਕਿ ਕੇਸਾਧਾਰੀ ਹੋਣ ਦੀ ਪਰੰਪਰਾ ਗੁਰੂ ਨਾਨਕ ਸਾਹਿਬ ਦੇ ਸਮੇਂ ਤੋਂ ਹੀ ਸਿੱਖੀ ਨਾਲ ਸੰਬੰਧਿਤ ਚੱਲੀ ਆ ਰਹੀ ਸੀ, ਗੁਰੂ ਗੋਬਿੰਦ ਸਿੰਘ ਜੀ ਨੇ ਇਸ ਨੂੰ ਦ੍ਰਿੜ੍ਹ ਕਰ ਕੇ ਸਿੱਖੀ ਸਰੂਪ ਦਾ ਜ਼ਰੂਰੀ ਅੰਗ ਸਥਾਪਤ ਕਰ ਦਿੱਤਾ ਸੀ। ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪੰਜਾਬ ਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਦੇ ਵਿਦਵਾਨ ਜੱਜਾਂ ਨੇ ਸ਼੍ਰੋਮਣੀ ਗੁਰਦੁਆਰਾ ਪ੍ਰਬੰਧਕ ਕਮੇਟੀ ਅਤੇ ਦਿੱਲੀ ਸਿੱਖ ਗੁਰਦੁਆਰਾ ਪ੍ਰਬੰਧਕ ਕਮੇਟੀ ਦੇ ਸਾਹਮਣੇ ਇਹ ਸੁਆਲ ਰੱਖ ਕੇ ਕਿ 'ਸਿੱਖੀ ਵਿੱਚ ਕੇਸਾਂ ਦੀ ਕੀ ਮਹੱਤਤਾ ਹੈ', ਉਸ ਦੇ ਸੰਬੰਧ ਵਿੱਚ ਉਨ੍ਹਾਂ ਨੂੰ ਸੰਤੁਸ਼ਟ ਕੀਤਾ ਜਾਵੇ, ਸਮੁੱਚੇ ਸਿੱਖ ਜਗਤ ਦੇ ਸਾਹਮਣੇ ਇੱਕ ਗੰਭੀਰ ਸੁਆਲ ਖੜਾ ਕਰ ਦਿੱਤਾ ਹੈ। ਇਸ ਸੁਆਲ ਦਾ ਜੁਆਬ ਤਲਾਸ਼ਣ ਲਈ ਕਿਸੇ ਨੇ ਧਾਰਮਿਕ ਤੇ ਇਤਿਹਾਸਕ ਪੁਸਤਕਾਂ ਦੀ ਛਾਣ-ਬੀਣ ਕੀਤੀ ਤੇ ਕਿਸੇ ਨੇ ਕਾਨੂੰਨੀ ਕਿਤਾਬਾਂ ਦੀ, ਜਦੋਂ ਕਿ ਏਨੀ ਛਾਣ-ਬੀਣ ਕਰਨ ਦੀ ਬਜਾਏ ਹਰ ਰੋਜ਼ ਘੱਟੋ-ਘੱਟ ਦੋ ਵਾਰ ਕੀਤੀ ਜਾ ਰਹੀ ਅਰਦਾਸ ਦੀ ਘੋਖ ਕਰ ਲਈ ਜਾਂਦੀ ਤਾਂ ਇਹਨਾਂ ਸ਼ਬਦਾਂ ਵਿੱਚੋਂ ਇਸ ਸੁਆਲ ਦਾ ਜੁਆਬ ਸਹਿਜੇ ਹੀ ਮਿਲ ਜਾਂਦਾ, "ਜਿਨ੍ਹਾਂ ਸਿੰਘਾਂ ਸਿੰਘਣੀਆਂ ਨੇ ਧਰਮ ਹੇਤ ਸੀਸ ਦਿੱਤੇ, ਬੰਦ-ਬੰਦ ਕਟਾਏ, ਖੋਪਰੀਆਂ ਉਤਰਵਾਈਆਂ, ਚਰਖੜੀਆਂ 'ਤੇ ਚੜ੍ਹਾਏ ਗਏ, ਆਰਿਆਂ ਨਾਲ ਚਿਰਾਏ ਗਏ, ਗੁਰਦੁਆਰਿਆਂ ਦੀ ਸੇਵਾ ਲਈ ਕੁਰਬਾਨੀਆਂ ਕੀਤੀਆਂ, ਸਿੱਖੀ ਕੇਸਾਂ ਸੁਆਸਾਂ ਸੰਗ ਨਿਭਾਈ, ਤਿਨ੍ਹਾਂ ਦੀ ਕਮਾਈ ਦਾ ਧਿਆਨ ਧਰ ਕੇ ਖਾਲਸਾ ਜੀ ਬੋਲੇ ਜੀ ਵਾਹਿਗੁਰੂ।" ਜੇ ਕਿਸੇ ਨੂੰ ਸਿੱਖੀ ਕੇਸਾਂ ਸਵਾਸਾਂ ਸੰਗ ਨਿਭਾਉਣ ਲਈ ਕੀਤੀਆਂ ਗਈਆਂ ਕੁਰਬਾਨੀਆਂ ਭਰੇ ਇਤਿਹਾਸ ਨਾਲ 'ਸਿੱਖੀ ਵਿੱਚ ਕੇਸਾਂ ਦੀ ਮਹੱਤਤਾ' ਬਾਰੇ ਉਠਾਏ ਗਏ ਸੁਆਲ ਦਾ ਜੁਆਬ ਨਹੀਂ ਮਿਲਦਾ ਜਾਂ ਇਸ ਨਾਲ ਉਸ ਦੀ ਸੰਤੁਸ਼ਟੀ ਨਹੀਂ ਹੁੰਦੀ ਤਾਂ ਉਹ ਕਿਸੇ ਵੀ ਤਰ੍ਹਾਂ ਸੰਤੁਸ਼ਟ ਨਹੀਂ ਹੋ ਸਕਦਾ।

[ਪੰਜਾਬ ਟਾਈਮਜ਼ (ਯੂ. ਕੇ.), 12 ਮਾਰਚ, 2009]